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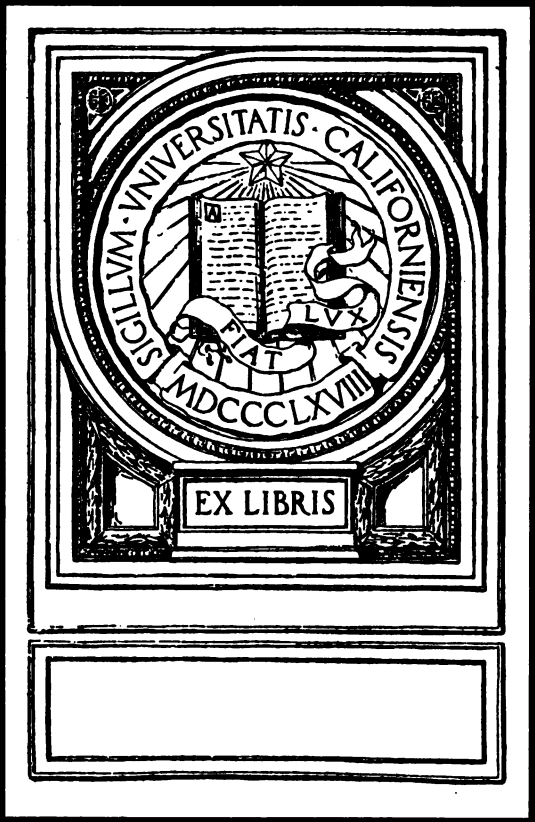
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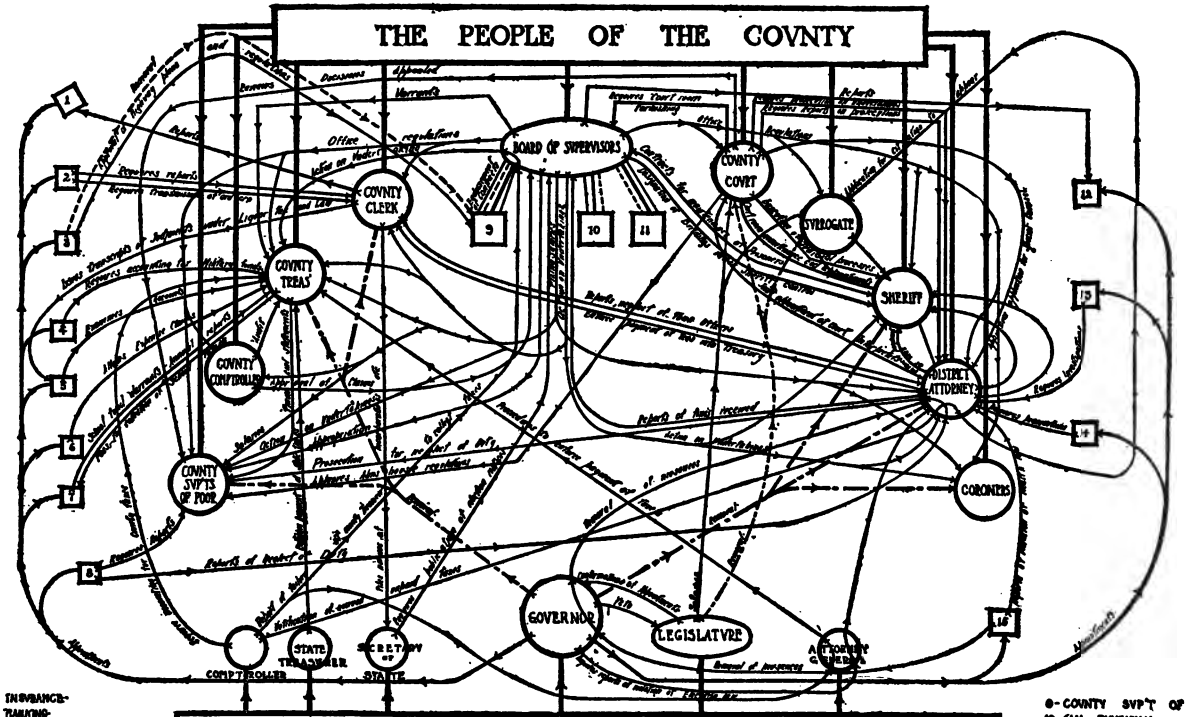

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4- ADJUTANT GENERAL.
5- STATE COMMISSION OF EXCISE.
6- STATE BOARD OF TAX COMM'RS.
7- COMM'R OF EDUCATION.
8- STATE BOARD OF CHARITIES.

9- COUNTY SUP'T OF HIGHWAYS.
10- JAIL PHYSICIAN
11- COUNTY SEALER.
12- COMM'R OF AGRICULTURE.
13- PRISON COMM'R.
14- COMM'R OF LABOR.
15- COMM'R OF HEALTH.

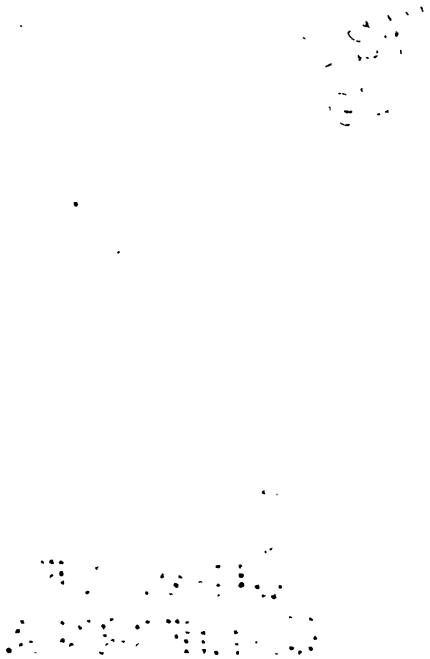
The County.

The "Dark Continent" of American Politics

By

H. S. Gilbertson

New York
The National Short Ballot Organization
1917



The Knickerbocker Press, New York

PREFACE

THE American people have never ceased, nor do they give any signs of ceasing, in their effort to master the mechanics of political democracy. Curiously, however, they have quite neglected one of the most promising of all the approaches to this study—the government of counties. It is in the belief that a discussion of this subject would tend to throw a great new light upon the "democratic experiment" that the author has prepared this volume.

This is not a hand-book or a treatise on counties. Such a work cannot be successfully carried through without a much wider and more thorough research into the subject than has as yet been attempted. The author hopes that this present work will do something to suggest and stimulate such research. In the meantime the outlines of a very real and very important "county problem" are visible and they mark the scope of this volume.

The reader will doubtless note the complete absence of any discussion of the county in its relation to the educational system. The explanation of this omission lies in the great difficulty of distinguishing anything like a universal interest

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of the county in this branch of public administration, apart from those of the state government and of the smaller divisions, except in the levying of taxes and the distribution of tax money.

To Mr. Richard S. Childs, Secretary of The Short Ballot Organization, the author is indebted for the suggestion that the book should be written, and for criticisms of the manuscript. Assistance of the most helpful sort during the manuscript stage was also rendered by Mr. Herbert R. Sands, of the New York Bureau of Municipal Research, and by Mr. Otho G. Cartwright, of the Westchester County Research Bureau.

Inasmuch also as it has not seemed advisable to encumber the text with an excessive number of footnotes, the author wishes to acknowledge particularly his debt to Prof. John A. Fairlie's volume, *The Government of Counties, Towns, and Villages*, which was the source of much of the historical material, and to Mr. Earl W. Crecraft, whose studies of Hudson County, N. J., have been drawn upon at considerable length.

H. S. GILBERTSON.

NEW YORK,
January 15, 1917.

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The County

THE COUNTY

CHAPTER I

A POLITICAL BY-WAY

To close up the underground passages to political power, to open up government and let in the daylight of popular opinion and criticism, to simplify organization, to make procedure more direct, to fix unmistakably the responsibilities of every factor in the State; that has been the strategy of the reconstructive democratic movement in America in the last fifteen years. Four hundred American cities, without regret and with little ceremony, have cast aside the tradition that complexity is the price of liberty. They have started afresh upon the principle that government is public business to be administered as simply, as directly, as openly and as cheaply as the law will allow. Inasmuch as their former governments were not adapted to that ideal, they have hastened to make them over. Contrary to prediction, the palladium of liberty has not fallen. Business

goes on as usual, public business in a way that is amazingly satisfactory, as compared with the "good old" days.

Where will the movement stop? Have all the secret passages been closed? Have all the dark alleys of local politics been lighted? Or does work for explorers lie ahead?

In 1915 the constitutional convention then in session at Albany, was surveying the foundations of the political structure of New York, undertaking to make adjustments to the sweeping changes that had come over the life of the state in the previous twenty-year period. Committees were chosen to rake the far corners of the system for needed adjustment. Hundreds of experts were summoned and hundreds of citizens voluntarily appeared to press their views and their wants. The committee having in charge the organization of the *state* government listened to an ex-president, the heads of two leading universities, prominent efficiency experts and every important state officer. The committee on *cities* gave audience to the mayor and chief legal officers of every important city in the state, while the conference of mayors was sufficiently interested to send one of its number to stump the state for an amendment which would promote the welfare of New York cities. The work of these divisions of the convention was of deepest concern to the state. It received from the press and the public no small amount of interested comment.

There was also a committee which touched on an interest that includes every inhabitant—county government. One might have imagined that this body too could have attracted at least one or two celebrities. There are sixty-one counties in New York State. Everybody lives in one. They safeguard property, personal and civil rights. But not so. Two or three public hearings; no ex-presidents; no college heads; no considerable number of interested private citizens—such was the tangible display of awakening to the subject at hand.

At a singularly appropriate moment, however, a brand-new association of clerks of the boards of supervisors was formed. Several members of the body appeared in person before the convention. The committee appealed to them to enrich its fund of information concerning the home government. They were given a free rein to tell of the needs of their counties.

In view of collateral facts, the testimony of this notable group of public servants is peculiarly illuminating. The representative of a central New York county was there and blandly did he announce that his people were perfectly satisfied with their county government; they would not dream of modifying it. The clerk from a Hudson River county was equally optimistic, and went to some pains to show in detail just how very well his county was governed. Similar testimony was presented from a county in the capital district. Then up spoke the clerk from near the borders

of Pennsylvania: the people of this neighboring state had conceived so great an admiration for the form of his county government that they were longing to substitute it for their own rather simpler system.

Now for the collateral facts. Not more than two months following this hearing, officers of the National Committee on Prison Labor got word of misdoings at the jail in the central New York county and succeeded in securing a Grand Jury investigation. The details of their findings scarcely lend themselves to print. Enough to say that the sheriff's deputies had made a practice of allowing both men and women prisoners to come and go at will and permitted most disreputable conditions to prevail in the prison. Shortly after the committee hearings the state comptroller completed his investigation of the financial affairs of the Hudson River county. His report reeks with accounts of flagrant and intentional violations of the laws on the part of not one but nearly all of the county officers. As for the clerk from the capital district, he was confronted at the hearing itself with several pieces of special legislation passed, at the instance of the sheriff and the superintendent of the poor, for the increase of salaries of deputies over the head of the local governing body. That this appeal was not so much in the interests of the county as of "political expediency" and at the expense of the taxpayers, he cheerfully admitted. But as for the near-

Pennsylvania county, that was the earthly home of a man who had conceived a clever method of breaking into the county treasury by having the board of supervisors create for his benefit, contrary to law, the position of "county custodian." Once firmly settled in his new position he persuaded the board to turn over to him (quite illegally) their responsibility for auditing the claims against the county, and persuaded the county treasurer to cash any warrant that might have his "O. K." When he had made away, in this manner, with some ninety thousand dollars, the comptroller discovered his misdoings. Of the whole bad mess, the solution which the "custodian" selected was suicide. But the government of that county had not been fundamentally changed to meet the defects of organization revealed in these disclosures.

A collection of isolated facts? Familiar American graft and inefficiency? Perhaps. But in the cities and in the states the public has been going after such things. In the counties of New York the people apparently did not know that such conditions were present. The clerks who appeared at Albany and were, for the most part, the sole representatives of their several counties, seem to have told the truth, at least about the people's complacency, but they might have been more accurate and more complimentary if they had labeled it "lack of knowledge."

From coast to coast a deep silence broods over county affairs. Can it be that, while cities have

been reveling in franchise scandals and police have been going into partnership with vice interests, while state legislatures have been lightly voting away public money on useless political jobs and extravagant public institutions, the county alone is free from every breath of scandal and is a model of official uprightness? Scores of municipal leagues and city clubs and bureaus of municipal research are delving into city affairs and finding opportunities for betterment at every turn of the hand. But the number of county organizations that are doing critical and constructive work could be numbered on the ten fingers, or less. Many of the colleges offer courses specifically on municipal government, but the "one pervasive unit of local government throughout the United States" is disposed of with a brief mention. No political scientist has ever had the ambition to plow into the soil, so that while there is now available a five-hundred-page bibliography of city government, there has never been written a single volume[1] devoted exclusively to counties. Journalists for the most part have left the subject severely alone.

And yet in those few instances where the county has been put under the microscope or has been given more than a passing thought, the reward of the investigators' labors have always been so

[1] *Annals of the American Academy of Political and Social Science*, May, 1913, contains a number of important monographs on the subject.

certain and rich as to excite wonder as to how much further the shortcomings of the county extend. In Hudson County, N. J., a few years ago, the cost of the court house which had been fixed at nine hundred thousand dollars, threatened to run up to seven million dollars. Impressed by this striking circumstance, a body of citizens formed themselves into a permanent Federation to look deeper and longer into this back alley of their civic life. They found that the court house incident was but the most dramatic of a hundred falls from grace. The Public Efficiency Society of Cook County, Ill., the Westchester County Research Bureau, the Taxpayers' Association of Suffolk County, the Nassau County Association in New York and the Tax Association of Alameda County in California have all been richly repaid for their investments in county government research. Sporadic cases? Possibly. And then again perhaps there is something basically defective in the system.

But is it all a matter of importance?

If universality and magnitude of cost count for anything, yes. Nearly all the inhabitants of the United States live in a county and nearly every voter takes part in the affairs of one. There are over three thousand such units. In their corporate capacity they had in 1913 a net indebtedness of $371,528,268 (per capita, $4.33), which was a growth from $196,564,619 in 1902 (per capita $2.80). In that year they spent for general

government, $385,181,760, which is something like one third the cost of the federal government for the same period. Of this amount, $102,334,964 was for general management. Through these county governments the American people spent for highway purposes, $55,514,891; for the protection of life and property, $15,213,229; for the conservation of health, $2,815,466; for education, $57,682,193; for libraries, $364,712; for recreation, $419,556 (mostly in the single state of New Jersey); for public service enterprises, $189,122; for interest charges, $17,417,593; upon structures of a more or less permanent nature, $89,839,726.

The figures, though of course not to be taken too seriously, are in some cases as impressive for their paucity as in others for their magnitude, for throughout a large part of the United States the county is the sole agency of local government.

Counties pretty much throughout the nation are the corner-stone of the system of partisan government and organization.

Counties, for this variety of reasons, therefore, would seem to be a fit subject for scrutiny as to their relation to some of the vital issues of American life.

CHAPTER II

JUST WHAT IS A COUNTY?

BEFORE our forefathers had "brought forth upon this continent a new nation," there was no universal standard relationship in the colonies between the local and the general colonial or state governments. In Massachusetts, Rhode Island and Connecticut, the towns had begun as separate units; then they federated and gradually developed an organic unity; that is, the localities produced the general government. In the South, on the other hand, the local governments had more the semblance of creatures of the general government designed to meet the expansion of the earliest settlements into wide and therefore less wieldy units for administration.

By the time of the constitution of 1789, it became possible to standardize the division of labor of governing the continent. In the center of the scheme were placed the states, which reserved to themselves all the governmental power there was, except what the constitution specifically conferred upon the federal government. Henceforth, whatever may have been its historical origin or

its ancient traditions, every local division of government was to content itself with such functions as were to be portioned out to it by superior state authority. It was to have no "inherent" powers. It was to act simply as an agency of the state, which had power at will to enlarge or diminish the local sphere of activity or wipe it off the map entirely.

Now the duties which state governments assumed in the early years of the republic were as simple as necessity would allow. This was preeminently the day of "as little government as possible." The people of the states covenanted with themselves, as it were, to stand guard over life, liberty and property. It was a broad enough program, but it was the custom in those days to interpret it narrowly—no humanitarian activities beyond the crude attempts to deal with the more obvious phases of poverty; no measure of correction in the modern sense; no "public works." As an incident in meeting these obligations, the constitutional convention and the state legislatures met and laid down statutes or codes of conduct affecting these elementary needs of a civilized people. They defined the various crimes (or adopted the definitions of the English common law); they legalized a civil procedure. It was definitely settled that the voice of the whole people should control in determining *what* the state should do for its citizens.

Then came the question of getting the means

for applying these abstract principles to daily life, of bringing to every man's own door the means for enforcing his rights. Had the American people proceeded from this point along logical lines they would have cut the administrative machinery to fit their state-wide policies. But it was not so ordered. The officers of the *state* had determined upon the policies; the officers of the *localities* were to execute the policies. The period of the American Revolution, with its deep-seated distrust of kingly power, was the beginning of an era of decentralized administration which gained rather than diminished in force for as much as two generations. For the purpose, the existing counties served as instruments ready to hand and their status now became fixed as the local agencies of the state government. New counties were formed from time to time as needs arose. In each of these counties was a loose, but more or less complete organization, which it will now be fitting to describe.

More important perhaps than any other enforcing agent of the county, in these still primitive days, was the sheriff, who sooner or later became a fixture in every American colony. This most ancient officer of the county had been perpetuated through the centuries from Saxon and Norman times. He had inherited nearly all of the powers and prerogatives of his historical prototype as they obtained in England during the seventeenth century. He did not preside over a court in the county,

but he could make arrests for violation of the law, with or without a warrant. If his task was too much for one man, he could summon to his aid a *posse comitatus* of private citizens. And inasmuch as he was obliged not only to apprehend, but to hold his prisoner for trial, it very naturally fell to him to take care of the lock-up or jail.

There had been established, beginning with Connecticut, in 1666, a system of local courts, whose jurisdiction in most states came to be coextensive with the county. Around this institution centered the official life of the county, so much so that the county capitol is universally known as the "court house." The sheriff from its beginnings acted as the high servant of this court, in the disposition of prisoners, the execution of judgments, the service of warrants of arrest and in similar duties.

To the account of Connecticut is also to be credited the most unique, and in many ways most important county officer of modern times. In the development of its criminal law, England had never worked out a system of local prosecuting officers. The colonies in the early days had assigned the duty of representing the state's interest to the magistrates. But in 1704 there was authorized for each county in Connecticut an attorney "to prosecute all criminal offenders . . . and suppress vice and immorality." From this beginning came the distinctively American officer who

is variously known as district attorney, prosecutor of the pleas, solicitor, or state's attorney.

Since the business of the county court (which formerly included administrative as well as judicial matters) was too important not to be recorded, there was established a clerk of court whose duties are summarized in his title. In more recent times, however, the functions of this officer have been both expanded and limited, according to the amount of the transactions in the county. So that, in the larger counties each court, or sometimes a group of courts, have a clerk whose duties are solely concerned with judicial matters, while in less important counties the "county clerk" finds it easily possible to serve in no less than a dozen different capacities. It is the county clerk who ordinarily issues marriage licenses and receives for filing, real estate deeds, mortgages and a variety of other papers.

And then, without apparent good reason, the colonists had brought over from England the coroner. In the days of Alfred the Great this officer had had an honorable and useful place in the realm. As a sort of understudy of the sheriff, he took the latter's place when he was disabled. Meanwhile he was the King's local representative, charged with the duty of laying hands on everything that seemed to be without an owner and taking possession of it in the name of the King. But through the lapse of time, the "Crowner" had lost both dignity and duties until there was

little left except for him to take charge of the bodies of those who had died by violence or in a suspicious manner, seek the cause of death and locate, if possible, the person responsible for the circumstance.

So much for the organization to administer local justice, which is the irreducible minimum of county government. In early colonial times (and even yet in certain states), the judges and other judicial officers had performed important duties outside this limited field of administering justice. But in time the processes involved in the payment of salaries and the up-keep of a county building, created in sizable counties a "business" problem of no mean proportions. Since in most states these costs have been charged against the county, it has been necessary to install appropriate machinery of fiscal administration. In every county a board of directors, variously selected and denominated, has taken over the management of material things. With the help of a variety of minor administrative officers like the assessors, the treasurer and other fiscal officers, it raises and appropriates money; it audits claims against the county; it borrows money.

Around this judicial and administrative nucleus was built the universal American county. In the rural sections it expanded to meet the lack of any other local government. As an incident to the theory that the state is responsible for at least a minimum of protection of human life, the

state government had taken upon itself the care of indigents. This duty it usually turned over directly to the county. The county authorities have also had control (often exclusively so) of rural roads and bridges.

In the performance of these various functions the American people seem to have thought it quite unnecessary for the county to be supplied with the proper apparatus for doing its own policy making. Or, to look at the matter from the other side, they deemed it quite appropriate that the policy-making part of the state government, which is the legislature, should not control the hands and feet, which in matters of local concern consist of the county officials. Elaborate general laws were enacted to prescribe in minute detail the daily round of routine of each officer. Why should he or why should the people think? It was not the purpose of the state that they should. And without thinking, there could be no differences of opinion; without differences of opinion, no "issues"; without issues, no real politics.

CHAPTER III

A CREATURE OF TRADITION

IT all came about in this way:

The first settlers in the permanent Virginia colony found a climate that was mild and a soil that was fertile. Numerous rivers radiating through the country furnished a natural means for transportation. Indians were not a serious menace. The settlers themselves were of the landed gentry, closely identified with the established English Church.

Out of such a combination a very definite polity inevitably grew. The people were destined to spread themselves far and wide; agriculture was to be their chief pursuit; little government would be needed and the forms and substance of democracy would have at best a slow growth.

For many years the local government consisted primarily of small groups of settlements which were called hundreds or parishes and were presided over by a vestry of "selected men." When the plantations were large and scattered, government was sometimes supplied by the owners themselves. But in 1634 in Virginia, the example of English

institutions took firmer root and eight shires or counties were formed and made the unit of representation in the colonial assembly and for purposes of military, judicial, highway and fiscal administration. The officers were the county lieutenant (the militia officer), the sheriff (who acted as collector and treasurer), justices of the peace and coroners. All were appointed by the governor of the colony on the recommendation of the justices, and the latter thus became a self-perpetuating body of aristocratic planters controlling the county administration. This body of appointed justices constituted the county court, which to this day in some of the southern states is not only a judicial body, but also corresponds to the board of supervisors or the county commissioners in other localities.

Such was one line of descent. The Virginians, like most of their contemporaries, knew little and cared less for political science. They simply turned to their English experience, pieced together some old-country institutions and adapted them to the new world. Their experiment succeeded for the time being at least. It could scarcely have failed under such simple conditions.

Of quite a different sort were the influences at work in New England. A severe climate, a rocky soil and menacing Indians drove the colonists into compact communities, where they could live by shipping and fishing. They too were fortunate in striking an environment that rather

exactly fitted their old-country experience. For they were a homogeneous, single-minded body of people with firm traditions of democracy and a common religious faith. From the congregational form of organization that was characteristic of the Puritan movement to the town meeting for purposes of civil government, was a single easy step. Thus the "town" idea came to hold the center of the stage in New England local affairs. But it never had the all-sufficiency in its sphere which the county had in the South, and even New England had to recognize a need for more comprehensive subdivisions. And so, in 1636, Massachusetts was divided into four judicial districts in each of which a quarterly court was held. In 1643 four counties were definitely organized, both as judicial and militia districts, and before the middle of the century there was established a system of representative commissioners from each town, who met at the shire town to equalize assessments. The office of county treasurer was created in 1654. Later a militia officer was appointed, and within a few years county officers were entrusted with the duty of registering land titles, recording deeds and probating wills—functions transferred in part from town officers and in part from the governor and council.

So from Virginia and Massachusetts flowed the two streams of institutional influence, the former tending to make the county the exclusive organ of local government, and the other emphasizing

the town. Maryland, though it had started out with a somewhat special type of organization borrowed from the County Palatine of Durham, with its manors and hundreds, later came under the sway of Virginian precedents and three counties were established there in 1650. The Carolinas, which were not thoroughly organized until the eighteenth century, followed the Virginia plan in its main outlines. Georgia's development was not well begun until after the Revolution. Connecticut, Rhode Island, New Hampshire and Maine all followed the lead of Massachusetts, though the first two of these states minimized the importance of the county to an even greater extent.

To these two lines of influence the central states added the idea of a distinct administrative authority, which was composed in New York of a new body made up of the supervisors of the towns, in New Jersey of the local assessors and in Pennsylvania of special commissioners. These new departures were established in the latter part of the seventeenth century. In all of these states, it should be noted, the township also existed for a limited number of purposes, such as the care of the poor, for election, administration and for purposes of taxation.

The westward movement of population had begun before the Revolution. Following in general the parallels of latitude of their native soil, the pioneers carried their local institutions with them for transplantation, regardless of the wholly differ-

ent underlying conditions that now confronted them. In their closely populated, homogeneous settlements the New England pioneers that crossed over into the Western Reserve had been accustomed to act through town meetings. Nothing would do now but a reincarnation of the old institutions. The six-mile rectangles into which the surveyors had divided the western territory gave them their opening. There was accordingly developed in the open prairie among the isolated homesteads a unit of government that at least superficially resembled the old New England town. It was but a geometrical expression, to be sure, but the mere shadow of it seems to have given satisfaction. But in 1802, when the state of Ohio was carved out of this territory, this exotic growth was cut short and the "county-township" system of Pennsylvania was adopted. Indiana followed Ohio in this step and the system came to predominate in the Middle West, as for example, in Iowa, Kansas and Missouri.

The instinct for harking back to precedents appeared also in the early history of Michigan. When it was organized as a territory it was divided up into counties. But in 1825, under the stimulus of immigration from New York where the township-supervisor plan was in vogue, townships had to be established for particular purposes to meet the prevailing demand for this type of self-government.

In the South, Kentucky and Tennessee took

their cues from Virginia and established the justices in control of the county administrative affairs. Mississippi and Alabama took Georgia for their model.

In Louisiana, the parish authority corresponding to the board of supervisors or commissioners is the police jury, which is elected by wards very much on the principle of the New England town.

In the country beyond the Northwest Territory, the clash of New England and southern influences was met by an interesting compromise. In Illinois, for instance, the earliest settlement had been made under southern auspices. The county type of local government was therefore established, but of the style employed in Ohio and Indiana rather than in Kentucky. In 1826, however, the justices were made elective by precincts and later the township was made a corporation for the purposes of school, road, justice and poor relief administration. By 1848 the "town idea" had grown strong enough to force the adoption of a provision in the new constitution for a plan to afford each county an option between the two systems. The northern counties quickly adopted the township plan, while the southern ones clung to the original forms. Wisconsin at an even earlier date (1841) had effected a similar compromise which, however, was swept away seven years later when the township system was made mandatory by the constitution. At a later period Missouri (1879), Nebraska (1883),

Minnesota (1878) and Dakota (1883) permitted the adoption of similar optional laws.

In the new Southwest, the Northwest, the Rocky Mountain region and the far West, owing in part to the comparative sparsity of settlement and in part to the thinning out of the definite historical influences, the county has acquired a greater importance than anywhere in the country and the towns or townships, while they have been erected in a number of the states, play but an insignificant part in local government. When Texas became an independent republic, the American county system was substituted for the earlier Mexican local government. Before the middle of the nineteenth century counties had been established in New Mexico, Utah and Oregon; ten years later in Nebraska and Washington; by 1870 in Colorado, Dakota, Montana, Idaho, Wyoming, Nevada and Arizona.

And so, the institution of the county has been driven westward in obedience to precedent and through the instinct for imitation. Of thoughtful foresight, of definite planning for a serviceable career, about the same measure was applied as in the case of Topsy, who "jest growed." It could not be otherwise. Local government in pioneer days had to be thrown together more or less on the "hurry-up" plan. On the western prairies as in colonial Virginia, public needs were so limited that it really mattered comparatively little what agencies were employed.

Counties once established acquired a tendency to "stick" tenaciously to nearly their original form. Even in the seventeenth century the county in England was well into a decline. Its disintegration had begun with the growth of populous centers, that demanded more government, both in quantity and in variety. The seven Saxon kingdoms whence counties grew, had ceased to be either natural or convenient self-governing units. In a later period they have ceased to be even important subdivisions for the central administrative departments, and they have been crossed and recrossed by the lines of sanitary and other districts until the original county may be said to be scarcely distinguishable.

In America even sharper and more pervasive social forces have been assaulting this ancient institution. In our thinking of the Industrial Revolution it has been customary to dwell upon its effects in urban districts. This movement made the modern *city*. But its effect did not stop there. Modern mechanical devices have also made the original county boundary lines obsolete. Steam railway lines have brought into close communication points which were once too distant to be traversed easily and often, under all sorts of conditions. Electric railways, in many instances have supplemented the process. The automobile, particularly of the cheapest type, has brought within easy reach of the court house points which a hundred years ago, when the stage-

coach was the standard of locomotion, were too remote for frequent communication. And, finally, the extension of mail facilities and the telephone have minimized the importance of face-to-face business intercourse beyond anything ever dreamed of when counties were first made.

Counties as we see them on the map often fail to take account of the sweeping changes in the character of populations. On the western prairies they were formed for a sparsely distributed people following chiefly agriculture. In the midst of these regions at numerous points have sprung up great centers of manufacture and commerce like Chicago, Kansas City, St. Paul, and Omaha. In their train have followed the multifarious problems of the modern city, which require a very particular sort of governmental treatment.

To these conditions the county as an institution has consistently maintained an attitude of stolid indifference. Division of old counties goes on from year to year. (Bronx county separated from New York in 1914, to the accompaniment of a costly new court house and several hundred new jobs and no benefit to the taxpayers and citizens except a heavy increase in taxation.) But who can recall two counties that have consolidated? Such an exhibition of modernity and of the spirit of progressivism it is apparently not in the nature of the county to afford.

CHAPTER IV

FALLING AFOUL OF "DEMOCRACY"

AND yet we should do the subject less than justice were we not to recall an historical adventure that befell the county in the period of its coming of age, when it was assuming something like its typical American form.

It was about the time of the Revolution when the atmosphere was particularly uncomfortable for "tyrants" and for every created thing that could be given the semblance of "tyranny."

"The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over those States." So ran the Declaration of Independence, and if it was not a precise statement of fact, it was at least an accurate gauge of the fighting public opinion that was making political institutions. King George's "frightfulness" seems to have been chiefly and most concretely brought into the public eye in the colonies by the acts of "swarms of officers" that had been sent over "to harass our people and eat out their substance."

From the point of view of the British Empire, it was a stiffening up of the colonial administration to make effective the Navigation Acts, the Stamp Acts, and similar measures. But it had come too late. Through a century and a half the spirit of independence had grown firmer and firmer and the colonists' sense of identity with the British Empire had sensibly diminished. So that when the imperial revenue collectors began to "swarm" on their shores, the colonists were goaded into a smashing antimonarchical mood. It was no mere temporary fit of rage, and when physical violence of the Revolution was over, the intellectual upheaval steadily gathered new force through the influence of men of the Jefferson school. One of the feats to which the statesmen of the Revolution devoted themselves was devising means for preventing future "swarms" and the "tyranny" they brought with them.

What irritated them more than all else was the fact that these imperial agents were not colonially selected and controlled. But now the people had replaced the king. *They* would now select the officers. A happy thought! But how to work it out; that was the question.

It is easy enough to pick flaws in their handicraft, but it should be borne in mind that the architects of the nineteenth century American democracy were working in the dark without models or precedents and without established principles of organization. It is easy now to look back and

say: "You carried your 'democracy' too far. It would have been not only enough, but infinitely more effective to have let the people select simply the legislative or 'policy-determining' officers and subordinated the administration to them. The thing to do was to control the *source* of power. If you had been careful to separate 'politics' from 'administration' you would have saved our generation a whole world of political woe."

But the fact is that the then existing institutions had come into being as a patchwork development to meet successive new needs. As for local government, there was so little of it and it ministered to such elementary wants that very few serious questions of policy ever rose within its jurisdiction. Moreover, the officers who came in time to have regulative or semi-legislative functions, seem to have been from the beginning, concerned with the details rather than the policies of government. This was true of the justices of the peace in Virginia, the selectmen in the New England town, the supervisors in New York, and the assessors in New Jersey. There was no choice except between selecting and controlling (or trying to control) administrative officers and foregoing any part whatever in local affairs.

It is of course not to be understood that no local officers were elected before the Revolution. Massachussetts had always had its town "selectmen" and even as early as 1854 each county elected its treasurer and, beginning at a somewhat

later date, the county lieutenants. Supervisors were created as elective officers in New York in 1691, but they were executive and representative officers from the very start. And the same may be said of the town assessors in New Jersey (1693) and the county assessors in Pennsylvania. But the real precedent for "electing everybody" was set in Pennsylvania in 1703 when the sheriffs were first chosen by the people—a step which was followed in 1726 by the establishment of elective county commissioners.

But immediately after the Revolution the new notions of democracy began to work more aggressively. Virginia now organized counties and its constitution stipulated that officers not otherwise provided for should be elected by the people. Sheriffs and coroners were made elective under the New Jersey constitution and New York took away the governor's power of appointment and vested it in a council of appointment, which was composed of the governor and four senators chosen by the legislature.

There were cross-currents in this movement, however, and both in the Northwest (under the ordinance of 1787) and in Kentucky and Tennessee, county officers established in the closing years of the eighteenth century were made appointive, in the one case by the governor and in the other by the county judges. But in the new constitutions of Ohio (1802), Indiana (1816), and Illinois (1818), the elective principle worked without a

hitch. Mississippi, Alabama, and Missouri followed. By 1821 the passion had seized New York State, and sheriffs and county clerks were thereafter elected by the voters of the counties.

In Virginia at the constitutional convention in 1829–30, local government was the subject of an acrimonious discussion, with the Jeffersonian influences seeking to break down the established power of the self-perpetuating justices, who were charged with inefficiency, and establish in their place the New England town system. But Madison and Marshall, who were both members of the convention, successfully upheld the existing order. By the middle of the century both Virginia and Kentucky succumbed to the democratic influence and there was a complete reaction from the appointive system. New York extended the elective idea to district attorneys and county judges, and Massachusetts and New Hampshire in due time made similar alterations.

In the states west of the Mississippi the tendency to put all the county officers in the elective class was assumed from the start to be the only method of insuring popular control.

"The rule of the people" at last captured the whole country, except Rhode Island, where even the sheriff is still appointive.[1] The movement was at its height during the long period of democratic control from Jackson to Buchanan, and it had behind it the powerfully stimulating spirit of

[1] By the legislature.

the new West. It was the conception of practical, direct, but superficial thinkers and politicians. To be sure, the particular appointive system in use in New York and other eastern states under the earlier constitutions had behaved badly. The Jacksonians leaped headlong at the conclusion that the trouble lay in the idea of appointment *per se*. Other alternatives they did not for a moment consider, but with an air of supreme finality declared that "the people must rule"—by electing as many officials as could be crowded on the ballot.

The fact also that the county possessed no satisfactory appointing power left no other course but to let the people undertake the intricate work of an executive. So that through the passing of the years that single course has materially multiplied the number of elective officers—the people themselves, enamored with the dogma that "the cure for democracy is more democracy" looked on complacently while complication has been heaped upon complication.

In the almost unique opportunity for a simplified government which has been presented to the people of any county, they have strenuously and successfully resisted the change. Such an instance happened a few years ago in the county of San Bernardino, California. The people had already adopted a county charter in which the powers of the county were vested in a single small board of elective officers somewhat on the com-

mission plan now in use in many American cities. It was regarded by many as the highest type of modernized county organization adopted up to that time anywhere in the United States. But in the interval that elapsed between the adoption of the charter and its going into effect, someone discovered (or thought they discovered) that the people were about to be deprived of their ancient liberties and that a local oligarchy was about to be erected. Soon petitions were in circulation and this perfectly good charter, which had been adopted but never tried out in practice, was amended so as to nullify the very principle of organization which pointed to greater simplicity and a better fixing of responsibility.

For nearly a century popular government has been galloping down the highway that leads to governmental confusion. Nowhere does the record state that because the people elected long strings of officers, the people therefore *controlled* those officers. All the while the services which government could render have become more and more numerous and the public needs of the people more pressing. And all the while too, the filling and holding of office for office sake has been vested with exaggerated importance, so that the county more perhaps than any other civil division has been the home of fictitious political "issues." At regularly recurring intervals the nation-wide county system has been shaken to its foundations over the private futures of their local Tom Joneses

and Tom Smiths. One of these respective gentlemen must leave his growing law practice and sacrifice his time to his county by serving papers for the county judge or prosecuting criminals before the Grand Jury. And none but the people is competent to judge which of the two it shall be.

Is the district attorneyship to be filled? Then, properly speaking, there would seem to be nothing to do but to search for the highest technical ability in sight and place it above the influences of any consideration but that of preserving the civil rights of the whole people. It is a simple criterion, around which no "issue" could properly arise. But popular government has regularly and almost universally thrown the selection of the public prosecutor over into the political arena, where tests of fitness for specific duties count not half so much as a good campaign speech or the ability to swing a township into the Republican or Democratic column.

In the same way many sheriffs might have set before them the plain duty to obey the rigid prescriptions of the statutes. But American democracy has all but universally decreed that sheriffs shall be selected after the manner of discretionary, policy-determining officers. As for the coroner, who would suppose that his grim services could be made the subject of interested, intelligent popular discussion? But the coroner, in a majority of states, is on the "ticket," a subject ostensibly for the citizens to weigh in the balance with a view

to the fittest selection. And then the ballot nearly always bears the candidates for the office of county clerk. He, like the sheriff, has his duties minutely described in the laws, to the dotting of an "i" and the crossing of a "t." But in the estimation of many good citizens it is of supreme importance that a good Republican or a deserving Democrat should be placed in the office, in order, presumably, that the office forms may be arranged for the filing cases according to the historical doctrines of one or the other of the national parties.

Never was there a serious movement to elect United States marshals or district attorneys. Other and more satisfactory methods of selection have been employed. But for the analogous officers in the states, nothing but popular choice would satisfy the temper of the young American republic.

CHAPTER V

THE "JUNGLE"

THE long "bed-quilt" ballot of county officers, as a Chicago newspaperman called it, at first innocently, and then maliciously, deceived, misled and disfranchised the "average citizen." As to the manner in which this result was brought about, more hereafter.

But aside from all that, the long ballot principle turned out to be the father of irresponsible organization. Each elective officer received his commission straight from the people; his accountability was solely and directly to them. No officer was to be entrusted with much power for the fear that he might emulate King George and enslave the county. Government generally was regarded as a natural but more or less necessary enemy of the people to be tied with a short rope lest it break loose and do incalculable damage.

To the devotees of this theory, the idea that the county should have a directing executive head, if indeed it ever received consideration, was apparently too suggestive of Hanoverian monarchy to be seriously entertained. This was to be a

"government of laws, not of men"—the people would see that all went well.

It was such a spirit, no doubt, that guided the development of the county system in an eastern state, which the writer studied a few years ago. In the course of this effort the interrelations of officers in a typical unit were diagrammed—with the result shown in frontispiece. It was found, for instance, that the county clerk who was "directly responsible to the people" was given duties to perform under some twenty different laws, the enforcement of which under the constitution was charged upon the governor as the chief executive of the state. In fulfillment of these obligations he was found to be under the direction, among others, of the superintendent of banking, the superintendent of insurance, the commissioner of excise and the secretary of state. For the routine of his office he was answerable to the local board of supervisors. The sheriff, who "took his orders from the people," was found to be answerable to the supervisors, the surrogate and the county judge. The district attorney was put down as subject to at least three minor state officers besides the governor and the board of supervisors. The county treasurer looked up (or was supposed to) to the state commissioner of excise, the state board of tax commissioners, the commissioner of education, the comptroller and the state treasurer.

And in all this wilderness of conflicting responsibility there was, be it reiterated, no single officer

who could be called the executive. The governor, it is true, had power to remove and fill vacancies, but even this negative control was conditioned by the fact that there were sixty-one counties in the state, that some of them were hundreds of miles from the capital and that the governor was charged with a thousand other responsibilities besides looking after the counties. It was true that the state comptroller was given power to examine into the fiscal affairs of the various counties, but this safeguard was of limited value in practice, owing to the small number of examiners which the legislature provides.

No, the ingenious Anglo-Saxon mind had discovered a substitute for efficient personal supervision! If a given officer were to go wrong or neglect his duties, then the supervisors were authorized to go to the district attorney and persuade him, if possible, to take action on the officer's bond or to institute a criminal prosecution. If the district attorney was negligent in the matter, the supervisors might go to the governor with charges of neglect of duty. But if the original officer in question was just lazy, slow or inefficient, then everybody simply could wait "till he got round" to doing his duty.

To this day this circumambulation in the name of democracy actually fulfills the conception of popular rule for no inconsiderable body of political leaders. Where the system goes wrong, they inject a little more confusion, a little more irre-

sponsibility into the plan of government. Take, for instance, the Indiana system. In 1898 the county government became the subject of a state-wide scandal and was made the political issue of the year. The governor in his biennial message followed the good old American custom: more complications, more division of responsibility. He recommended a system of "safeguards" which had the effect of taking away power (and responsibility) from the county board (commissioners) and vesting it in a brand-new body known as the council, composed of seven members, three elected from the county at large, and one from each of the four councilmanic districts. This council was made the tax-levying and money-appropriating body for the county and no money could henceforth be drawn from the county treasury except upon their appropriation. It also was given the sole authority to issue bonds and borrow money. And so the county governments in Indiana were blocked at just one more point and the county commissioners were made just one shade less accountable than they were before the enactment of this ingenious piece of "reform" legislation.

Two of the New England states developed equally clever methods of breaking down financial responsibility. New Hampshire, with its boards of commissioners elected by the people of the counties would seem to be well-equipped with fiscal agencies. But not so! The commissioners

may only recommend appropriations for county expenses—and a "convention," consisting of the members of the House of Representatives of the various towns then allows, or disallows, them. Such an institution was created many years ago. Connecticut goes New Hampshire one better by constituting the convention of the local members of *both* houses of the legislature. The convention may not only vote the amount of the general county appropriation, but the appropriation for any specific items of county expenditures for the two fiscal years following, or for the repairs and alterations of county buildings.

Democracy via complication was applied also in the state of New Jersey, when the legislature of 1898 took from the board of chosen freeholders (supervisors) of Hudson County the control over the Hudson County Boulevard. An act passed in that year created a separate new commission of three members to be elected by the people, upon which was conferred powers comparable to those of a separate municipality. The commission was even given the right to maintain a separate police force, to own and operate a separate electric lighting plant, to employ its own cleaning and repairing force and to act in other ways entirely separate from the county road and highway system and independent of the street departments of those municipalities through which the road lies. This independent body was authorized to fix its own appropriations and make them mandatory

upon the board of chosen freeholders, to let all contracts for the construction of the roads under its charge and to employ a separate engineer.

When Hudson County began to lay out its park system, the disintegration of the county system was carried a step further. Another wing was added to the amorphous county structure, a Park Commission to be composed of four members. These were not to be elected like the Boulevard commissioners, or appointed by an executive, as is done in most cities, or chosen by the board of chosen freeholders, but appointed by the Judge of the Court of Common Pleas! This commission also became a separate corporation, like the Boulevard Commission, and now has power to requisition appropriations on the board of chosen freeholders.

But the end of the tale is not yet. In 1912, Hudson County undertook the extermination of mosquitoes. Another independent board! More independent mandatory powers of appropriation! And the appointment of six members in this instance was vested in the Judge of the Supreme Court. Add to this layout a board of elections, appointed by the governor, on the nomination of the chairmen of the two leading political parties, and you have the county jungle in all its primeval grandeur.

The people of New Jersey were thoroughly consistent in 1900 when their legislature broke with precedent and undertook to supply their

counties of the first class with some sort of a head by creating the office of county supervisor. The governing boards of these counties were at that time composed of representatives from various municipalities. So it was decided, in order to give the whole people a voice in the government, to have the new officer elected at large. The legislature had no notion of giving anyone any new power. They proposed to further subdivide existing power. True, the law under which this new office was created, designates the supervisor as the chief executive. But, as has so often been the case in city charters, this designation proved to be only a fiction. The law gave the supervisor the right to remove subordinates, but no instrumentality with which to investigate the conduct of hundreds of county officers and employees and thus to make his authority effective. Moreover, he was crippled by the fact that the board of freeholders might reverse his decisions and reinstate the officers or employees suspended. But what is of more importance, the supervisor was given no power of original appointment.

Similarly, Cook County, Ill., acquired a president of the board of county commissioners, who is elected by the people. Kings County, N. Y., before consolidation with New York City, had a supervisor-at-large. But neither of these dignitaries has or had any powers of appointment comparable to, let us say, those of the mayor of Cleveland or of New York. In the general run of counties,

the executive is not a single officer but the governing board itself. Where the "town plan" is in vogue, as in certain Illinois counties, and throughout New York State, this body may be very large and unwieldy and is wholly incapable of supervising administrative detail, except through small committees, with the added division of responsibility which that implies.

And so, county government everywhere was conceived in a spirit of negation. The people elect their boards of supervisors or county commissioners, hoping thereby to keep their fingers on the public purse through direct agents. The supervisors, in their turn, undertake to regulate the finances of the sheriff, the district attorney, the county clerk and the rest. But, lo, these officers are no subordinates of theirs; they are the people's humble servants. The supervisors may set out upon a program of economy and efficiency, including, let us say, the standardization of supplies. But the county clerk may not recognize their superior authority, preferring to run his office to suit his personal convenience; and if the supervisors undertake to check him he may find some way of appealing to the people. The superintendent of the poor, the treasurer and the auditor may likewise go their respective paces in defiance of all superior authority. If in the course of their official routine these officers collect sundry fees, they may account for them or not, as they please, so far as the governing body is concerned. They

may be reached by some slow process of litigation, but never in the direct summary way that is employed in private business. It is a fatally ineffectual procedure. And when a dozen or nineteen officers, chosen by popular election, are thrown together, it is clear that every one of them is the legal peer of every other, since everyone acknowledges a common superior. And since the people are a rather too unwieldy body to look after the details of county business, each officer must be a law unto himself. And it is perhaps just as well that none of them has been designated as an official chief, since the *facts* of organization would refute and nullify any such arrangement.

It is as though a board of directors were charged with the control of a private enterprise, but were expressly denied the power to select the manager and heads of departments to whom they might delegate their authority over details.

CHAPTER VI

A BASE OF POLITICAL SUPPLIES

In the course of its democratic adventures the county was incapacitated for standing on its own feet. When every independent elective officer became a law to himself, the county ceased to be a single government. Politically it became then little more than a convenient way of speaking of a group of officers whose field of activity was closely related. In these very close relations lay the material for serious conflicts of interest that brought friction, delays, inaction. County governments could really get nowhere. Their energies were consumed in standing still and keeping alive. Since separate officers of the county had no common superior, the county could not move in any particular direction; no more than an army of self-directing divisions, each with a will of its own.

Moreover there came to be counties which could not even organize themselves, even after the imperfect fashion described in the laws of the state. The people grew in numbers, their interests increased in complexity and county affairs

sank into comparative insignificance. In their theory of pure democracy via the ballot, they spread out their interest in county officers so thin that no single officer got sufficient attention to make him realize their influence. County candidates were mixed up on the ballot with a multitude of others, state, national and municipal, so that it was practically certain that not only unknown but often undesirable citizens would step into power with the "people's" stamp of approval. The voters of New York have been electing coroners (or have been thinking they did). When a few people in 1914 began to delve into the history of the office, they turned up an astonishing situation. Scarcely one of the men who had been elected to the office in a period of twelve years could be said to have had even a modest part of the qualifications required for the positions. Some of the worst rascals of all had been elected in reform administrations and as one coroner admitted on the stand, the controlling purpose in mind in the selection was that of "balancing the ticket" so that geographical sections and racial and religious elements would get their proper share in the spoils.

Rural electorates probably have done better all along the line with their county officers than the voters in the cities. Measured by the standards of personal acquaintanceship, the candidates for county office have perhaps nearly always been known quantities in the rural districts. The

"glad-hander" and the accomplished back-slapper has gotten on famously. They have made a business of knowing everybody. And yet they have sometimes, as private individuals, failed to reveal to their most intimate friends the qualities which have made them unfit for a public trust. Placed in offices of conspicuous responsibility where the sunlight of public opinion and criticism has beat upon them, it is impossible that many men would have gone far wrong. But since the work of county officers has had little to do with the shaping of public policies upon which the average voter has any opinion; since the county jail has not been a public museum where men were wont to take their friends and families, and since there has been nothing especially interesting about the serving of a warrant of arrest or attachment, the officers involved have not always revealed their innermost personal qualities. Year after year a smiling popular sheriff might go on doing these services in the most expensive, inefficient way, with here and there a touch of corruption; and the great body of voters who met him every week at the lodge would be none the wiser. In the same way the voters might elect a "good fellow" superintendent of the poor. They might continue to know him as a good fellow but it has been a rare constituency that has followed him up in his official duties to know how "good" he was to the unfortunates under his care and to the public in general. It has been a rare good fellow who

has combined in his single person the ability to shake every right hand and kiss every baby in the county, with a really modern, scientific knowledge of the treatment of poverty.

The county clerk upon assuming office shuts himself away in a forest of filing cases and meets the public officially only as they come to him for a marriage license or to file a deed or mortgage. And as for the coroner, mostly people have been glad to leave him severely alone, trusting that no untoward mishap will bring them into his clutches. For all ordinary purposes they have regarded him as a grim joke, not knowing that in many cases a misstep on his part might result in the escape of a criminal or spoil the case of a litigant entitled to damages or of a policyholder to his insurance.

A possible exception to this inconspicuousness is the district attorney. American communities appear to have reserved high political honors to the most efficient and best advertised "man-hunter." A white light of public interest has always beat upon the public prosecutor. Many a reputation for skill and courage and all-around general administrative ability has been built up around a record of convictions of notorious criminals. The district attorney with a sense of the dramatic has usually been in line for the governorship of his state. It seems also to be regarded as conducive to efficiency that this officer should be controlled directly through the ballot.

And so, the system of popular election has given no assurance that, though the people may know them ever so well as individuals, they would know their candidates in the sense that fixes their electoral responsibility.

What has had to be done, but what the people of the county have been unwilling or unable to do for themselves, has given to a public-minded fraction of the community the opportunity of their lives. They have generously taken over the people's government and run it for them.

Gradually there has come to life a new profession, a governing class, with leadership, discipline and resources. To the acknowledged head of this fraternity have come aspirants to public honors and seekers after favors. Power and influence have been laid at his feet. He has become the virtual dictator of the county's political destinies. The laws underlying the organization of the county government have not been changed; but there has grown up, quite outside the statute books and outside the court house itself, a second government that has supplied the great lack in the official, legal one, the lack of a definite head. The new factor in the county's affairs has come to exercise the powers of an executive. *Theoretically* the people have elected his heads of departments; practically he has chosen them himself. The people have retained the forms while he has arrogated to himself the substance of political power.

He is with us yet, this clever, dominating, often silent personage, sometimes in a single individual, sometimes in a group, sometimes benevolent, respectable and public-spirited, sometimes brutal and mercenary. It may not always be easy to find him, but he is *always present in every American county;* for there is no stable government without him.

For the development of his peculiar talents the county is a particularly favorable environment. For the county, in a word, is in the shadow—the ideal condition for complete irresponsibility, which is the father of bossism.

But what do the voters do if they do not in fact elect their officers?

It is now perfectly well known to students of political science that what the usual run of voter does in such a case is to ratify one or the other set of candidates who have been previously culled over by the county committee of either party. It is true that, under the direct primary system, independent voters may start a revolt if the politicians do something that is particularly "bold" and "raw." But even that privilege is of questionable value, for it breaks down even the kind of responsibility that obtains under the rule of an unofficial executive, since the boss, if criticized for a bad selection, is always able to fall back upon the explanation that "the people did it themselves."

And when the votes have been counted and the

candidates chosen, what of the citizens and the politicians then? Armed with a certificate of election "direct from the people," the sheriff, the coroner, the county clerk, owe no *legal* allegiance to anyone save to them. But the people have finished watching the election count and have gone home and back to work on concerns which are infinitely more absorbing than any which affects the county government.

Then there comes into play another political allegiance which is not of law. The "governing class," which gave the separate county officers their jobs, is not in business for its health. It does not put men in paid positions out of pure bigness of heart. It performs a public service and it earns a right to collect a toll. *And it collects!* The bosses collect "theirs" not only in terms of power to name the officers whom the people shall elect, but insofar as no bothersome civil service law is in the way they select also the subordinates. And through this power of appointment they exercise various other powers which make them to all intents and purposes the real seat of final authority in the county.

And so we see the workings of a natural law. In nature the organism that survives is that naturally selected one that adapts itself to its environment. Just so the American democracy has adapted itself to the difficult political situation which it has itself created. The political unit, which in the present instance is the county, is

legally without a head; forthwith instead of going to pieces, it grows this necessary piece of anatomy outside its own body, and lo, an altogether unworkable system is made tolerably workable!

One reason why the boss flourishes so bountifully in the county is the almost complete lack of any special legal qualifications for filling the offices (except the district attorneyship). Anybody can be a county clerk. He need only appoint as his chief deputy a faithful easy-going person who has been on the job for years at a stretch and has made himself indispensable as a master of the details of the office. This deputy will, of course, be the real county clerk and he will draw a comparatively modest salary because he is of no direct use to the "organization," while the elected official collects the high compensation, spends a little time in the office every day, dividing the rest between the interests of the "ring" and his own legitimate private business, which goes right on as usual throughout his term.

Another attraction in the county offices is the large fees which are paid in probably the majority of counties in lieu of stated salaries. The county clerk collects from the person immediately benefited, a sum fixed by statute for each document filed. The sheriff makes similar collections for the service of each legal process. The coroner draws from the county a fixed amount for each inquest.

The theory of the fee system is, first, that the

service is paid for by the party whom it most concerns and secondly, that a specific reward for a specific service will be an incentive to the officer to do his duty. Nearly everywhere, however, the theory has worked out very badly. It is doubtless proper that every person who receives special service should contribute accordingly to the expense of government. In small counties where the work of the county is limited there seems also to be much to be said in favor of the officer keeping the fees. But in large counties having an enormous business the compensation from this source is often all out of proportion to the amount of service rendered. It would seem, for instance, that the sheriff of New York County, who is never a man of special training, would be amply compensated for his routine services by a salary of $12,000. But in addition to this sum he is now (1916) receiving annually about $60,000 in fees. The county treasurer of Cook County, Ill., within very recent years, is said to have pocketed during his four-year term about the better part of $500,000,—he was never willing to tell the public just what the amount was and the law has protected his policy of silence.

But it must not be supposed that these rich prizes remain the personal property of an individual officer. Nor is it to be supposed that the numerous deputyships which often provide berths at a much higher compensation than would be allowed for the same service under private auspices,

go to enrich the head of the office. No, the man or the men, who put the sheriff or the county treasurer where they are have a great deal to say about the disposition of this money. In New Jersey, lest a single county officer should take himself too seriously in this respect, the law provides that all appointments of the sheriff shall be confirmed by the board of freeholders—and confirmation means control. If the Cook County treasurer had kept the fees of his office, it is hardly to be supposed that the county commissioners for years would have bitterly fought to prevent an accounting for these funds.

The county is indeed a wonderfully bountiful base of supplies for the spoilsmen. The circumstance goes far to explain the slow growth of the merit system in this branch of government. Civil service laws are in force to-day in eighteen counties in New York, four in New Jersey, one in Colorado, one in Illinois, two in California and the more important counties in Ohio. That is the extent of the merit system in counties. Even in states like Massachusetts, Illinois and Wisconsin, where statewide civil service laws affecting cities are in operation, appointments in the county offices are filled on the principle of "to the victor belong the spoils." In New York State the courts have enunciated a principle with reference to the relation between the sheriff and his deputies which has the effect of fortifying the system against attack and its most prolific outlet. For, said the court in Fla-

herty *vs.* Milliken,[1] "the relation between a sheriff and his appointees is not merely that the sheriff is responsible for the default of his appointee, but that the appointee for said default is *liable to the sheriff and to no one else.*" "The practical operation of this rule of personal agency," says the New York Civil Service Commission, "is in large measure to open the door for political purposes of persons in whom no real trust is reposed. These offices are in practice found to be a haven for political spoilsmen. . . ."

But "spoils" often connotes something besides jobs that pay salaries or fees. In Westchester County, N. Y., where county affairs are known to the public rather more intimately than elsewhere (owing to the activities of the local Research Bureau), it has been found that perhaps the richest patronage of all is in the county advertising. The state of New York requires, for instance, the publication in every county of the complete session laws of the legislature, in two papers. It means the setting up in newspaper type of two or more large legal volumes of intricate matter that no one could possibly use in that form. Then there are multitudinous formal legal notices that issue from the various offices at the court house, that rarely, in the nature of the case, interest more than the two or three parties who may never see them at all. Every paper

[1] New Jersey courts have rendered a diametrically opposite opinion.

that prints this material gets paid, often at a much higher rate than it would be compensated for ordinary commercial work. In one case an honest printer in Westchester County was so indiscreet and independent as to submit to the Board of Supervisors a bill at something approximating a fair rate,—$600. His rivals remonstrated and undertook to get him to raise his figure —they were charging $1060 for the same matter. But the independent said: "No, $600 is the legal price and moreover it is good pay." The board audited his claim and of course cut down the rival papers accordingly,—but never thereafter did the county printing go to the man who wanted to be fair to the public.

Papers that go in for public advertising could not in many cases exist without it. Indeed many papers are created for the purpose of absorbing this business. Their circulation is usually limited to a few hundred copies. They cannot afford to criticize the administration in power or to express themselves independently on any public issue. Where there are several such organs in a county (Westchester has about twenty) the newspaper field tends to be closed effectively against the type of legitimate journal which would exercise a wholesome influence on public opinion.

Just to what extent and how intensely this stifling influence exists throughout the country is one of the really dark secrets of the county problem. It shows its head in so many widely sepa-

rated places and there are so many feeble "boiler-plate" weekly papers that carry county advertising, that one is led to suspect that it is a very pervasive factor, especially in rural politics.

The importance of county spoils is not merely local. Throughout the northern states, except in New England, the county is undoubtedly the strongest link in the whole nation-wide system of party organization. Party politicians hoot when reformers suggest that local politics has nothing to do with the tariff or the Mexican question. And they are right! Whether properly or improperly, it has *very much* to do with these questions, or rather with the selection of the men who handle them. The power, for instance, of Tammany Hall in national politics is measured by its power to swing the most populous county in what is usually a pivotal state. Its power in the county is in direct ratio to the number of offices with which it may reward party service.

Party organization for a great part of the country has the county committee as its basis. This is especially true of the Republican Party in Pennsylvania where the present organization dates back prior to the Civil War. The state committee is chosen from districts based upon counties and the state machine is an assembling of all the local cogs and wheels. Politicians think and talk in terms of counties in their party councils and in the legislature. State machines are principally an assemblage of county units.

In many states legislative representatives are chosen from county districts.

Trace the political record of the members of Congress. An astonishing proportion have come up either through county offices or through state legislative positions filled by general county tickets. To that extent the national legislature is the fruit of the county system. And is it not safe to say, with the selection of certain Congressmen in mind, that the stream of national politics is poisoned at the source?

It is not strange that machine politicians have come to look upon the county as a source whence blessings flow. The county has both created and sustained them!

CHAPTER VII

URBAN COUNTIES

THE county has been put to its severest test in modern urban communities.

In the latter part of the eighteenth century began the away-from-the-farm movement. The discovery of steam power and its application to every department of industry began to draw men, women and children from their homes to earn a livelihood in the new industrial order. It became necessary for them to congregate in factories; they could no longer spread themselves out over the countryside. Out of the factory system came the city, came hundreds of cities along the coasts and rivers and even on the open prairies. New methods of transportation accelerated the process. The movement has never stopped; not even yet, when more than a third of the country's inhabitants are living in cities of twenty-five thousand inhabitants and more. Out of the growth of cities came congestion of population; out of congestion, problems of very existence without number.

The colonial heritage of local government was

wholly unadapted to any such emergency. In simple pioneer communities it was easy to provide government that met the unexacting standards of the times. Efficient government was not a live issue. Government, good or bad, was little needed and there was little of it. And if that little was ill-conceived, what matter?

But the time came when local government began to feel the strain of new responsibilities. Cities failed miserably — "conspicuously." Counties failed even more miserably but without observation. It was not so much that local government was called upon to perform more services, but that it was to adapt itself to new conditions of service, to execute old forms of service in a more intensive fashion. For instance, in a general way, the state had charged the county with the protection of life. Under rural conditions the obligation seems to have been performed tolerably well, because violations of the law are rarer where population is thin. A sheriff, with the help of a few constables and the power to summon citizens to his aid in times of special emergency, was all the police that was needed in most communities. With the growth of the city the police problem was intensified even out of proportion to the numbers of the people. Keeping the peace came to mean no longer the mere matter of quelling disturbances. The city with its teeming population not only bred violence and disorder, but it afforded opportunities for immunity through

concealment. A new police problem quite foreign to the capacities of the ancient office of sheriff grew up. The city had to meet the professional, scientific criminal with specialized instrumentalities and organization. Crowds on the congested city streets had to be taken care of and numerous other incidentals of the congested city had to be foreseen.

The city likewise developed an entirely new problem of public charity, which quite outgrew the capacities of that amateur sociologist, the county poormaster.

The coroner, too, sadly missed the mark in numerous cases. In the new industrial order in the cities, not only was criminal violence multiplied but industrial fatalities added heavily to the terrors of city life for the working class. The civil liabilities which were imposed upon employers and upon insurance companies made it more than ever important that every sudden or suspicious death be investigated with the utmost scientific thoroughness. Such service it was of course impossible for the untrained elective political coroner to render, and the world will never know the costly mistakes that are chargeable to his inexpertness.

In the fullness of time court organization also revealed the necessity for differentiation between various classes of cases which were presented for settlement. Again, the protection of life against communicable diseases and of property against

fire were two functions that the rural local government had completely overlooked or neglected, and when urban conditions arose in the midst of the county there was nothing in the original local government machinery that could be made to respond to these needs. The county was apparently stereotyped to minister to local conditions as they were conceived in the seventeenth and eighteenth centuries. Its organization was merely adapted to perform the simple cut-and-dried services that had been laid down for it in centuries gone by. Its expansion into new and bigger fields of service seems never to have been seriously considered.

But the pungent fact is that counties, when they have ceased to serve the needs of urban life, have been so slow to retire from the field.

What state has stripped the sheriff of his power to interfere in a riot or a strike to the infinite annoyance of the thousand per cent. more competent police force of the city? How very few states have shown the coroner the door and replaced him with a scientifically trained medical examiner! Not less ridiculous the board of county supervisors in great cities like Chicago, Cleveland and Milwaukee, solemnly ruling over a territory almost identical in its extent with the bailiwick of the city authorities. Why should not a single body do all the local regulating?

And so, the urban county problem is first of all a question of ill-adapted instruments of govern-

ment perpetuated long past their period of utility.

In the second place it is a matter of duplication and conflict of organization and effort as between the city and the county. When the charter in Los Angeles County was revised in 1912 it was found that in the urban communities three separate groups of officers were charged with keeping the peace: the sheriff and his deputies, the constables of the several townships and the police of the city. Their duties were substantially the same, they covered the same ground. The public scattered its civic attention accordingly. It was this same state of California which within the last twenty years has authorized its cities to have separate tax assessors—two sets of officials to go out and get precisely the same information. Ever since that time the taxable property in the city has been rated differently by the two sets of officers. And the reason? Apparently a double one: to enable the individual counties to beat down their proportion of the state tax and at the same time to allow the cities to raise their valuations and keep down the tax rate. The political value of a double set of officers is of course not to be overlooked.

An unpublished report of the City Club of Milwaukee reveals a paralleling of city and county services at numerous points. The city was found to be maintaining an emergency hospital, a tuberculosis sanitarium and a corps of milk inspectors, while the county maintained similar services

through a general hospital, a tuberculosis sanitarium, a visiting physician and a district nurse. The county jail and the police station were in close proximity but under separate jurisdictions. Where the county handled public works through an engineering department the city operated through a highway department, each unit requiring practically the same sort of administrative and technical direction. City and county did their purchasing separately and in the respective public works departments there was a duplication of testing laboratories and of engineering and other service records. Separate city and county regulative or governing bodies added materially both to the expense of government and to the number of elective officers.

Then again, the urban county, including judicial officers, has contributed more to the length of the ballot than any other division of government. In the year 1910 before the adoption of the present charter, the Los Angeles city ballot, which has been frequently exhibited as a horrible example, contained the names of candidates for forty-five separate offices. Twenty-eight of these belonged to the county-township system!

The Chicago voter, as the result of the early influences plus the additions to the number of offices which have been made from time to time, casts a ballot for about twenty-five candidates, including the sheriff, the treasurer, county clerk, clerk of the probate court, clerk of the criminal

court, president of the county commissioners, ten county commissioners, judge of the county court. The voter in Omaha, in addition to the usual run of county officers, selects also thirty-two deputy tax assessors, all on a single ballot. In most states these officers are chosen on the same day and on the same ballot with a long list of state and judicial officers, so that the county election is only an incidental and minor issue in the whole complicated business.

On election day the urban county offices are usually found at the bottom of the ballot. Usually numerous and obscure enough in their own right in the country districts, their contributions to the obscurity of voting in the city are more than doubly important.

When to an immoderately long ballot, to duplication of functions as between county and city, there is added a multiplicity of local government units, all considerations of responsibility in government or intelligence of citizenship fall to the ground. Such is the case in Cook County, Illinois, where the Bureau of Public Efficiency has issued a striking little pamphlet on *The Nineteen Local Governments in Chicago.* (The number has since been increased to twenty-two.) Twenty-two separate taxing bodies, and one hundred and forty-four officials which every Chicago voter is expected to choose! Is it a wonder that "Mr. Voter," to quote the title of an accompanying cartoon, is "dazed?" As the pamphlet says: "The

large number of local governments in Chicago, with their very large number of elective officials, independent of one another, operates to produce not only inefficient public service but an enormous waste of public revenues. The present multiplicity of governing bodies, with a lack of centralized control and the long ballot, results in confusing complexity and makes gross inefficiency and waste on a large scale inevitable."

The city too has proven itself an altogether unfavorable environment for clean, active county citizenship. A thousand and one preoccupations and distractions in the city have strongly tended to drive the populace to forget that it even lives in a county. The county does little for the city dweller. It does not keep his house from burning or his pockets from being picked. It does not build the streets on which he travels nor perform any humane services which could stir his admiration. The sheriff is no neighbor of his nor does he hear of that officer from one year's end to another, unless it be his rare fortune to be a party to some legal action. The newspapers, to be sure, are apt to give a great deal of space to criminal trials and feature the activities of the district attorney. But even that is apt to be directed more to metropolitan sensationalism than to helpful citizenship.

The greater the power entrusted to the municipalities within the county, the more interesting things it is given to do, in just that measure does

the county itself suffer from inattention on the part of the citizens, till the extreme is reached in a condition described in a report on Cook County by Prof. F. D. Bramhall of the University of Chicago:

> "The city corporate stands in the mind of most men for their local government; it has its picturesque history, its visible physical embodiments, its corporate personality, its stimulus to the pride of its people and its claim upon their loyalty. The county can make no such appeal, and it is a political fact to be reckoned with that however you may urge that the county is an essential part of city government, that the city electorate is almost equivalent to the county electorate, and should assert an equal proprietorship, it is almost impossible to overcome the obsession that the county is an alien thing. There is no more serious consequence of the parceling out of our local governmental powers and the shattering of responsibility for our municipal housekeeping than just this forfeiture of the sense of identification with government and the force of local patriotism which should be a tremendous asset for American political government."

Without a doubt, the urban, and particularly the metropolitan county, is the county at its worst.

CHAPTER VIII

COUNTY GOVERNMENTS AT WORK

"GRANTED the truth of all you say; that every county officer stands on his independent pedestal of authority, that the county is a headless institution where responsibility is scattered in a thousand different directions; that urban counties are the weakest brothers in the political family—granted all that, but what of it?"

So cogitates the "average American"—or so it would seem. If he reads his county paper consistently he has been held in his seat over and over again by the hackneyed lines of Pope:

"For forms of government let fools contest;
What e'er is best administered is best."

After a long course of mental stimulation along these lines, we are quite prepared to hear him remark that after all what really counts for government is MEN—an observation which is supposed to silence all contradiction. Your "average" friend, if he has more than an average political energy, then goes out and helps to see that the "right sort" of man is elected coroner.

There is undoubtedly more than an element of truth and wisdom in all these sentiments. The industrial world is coming more and more to believe that the great essential in coöperative effort of any sort is not plan of organization, not methods, but personnel—men. And even government presents instances of men who have "made good" conspicuously against a form of organization which favored insubordination, against the interference of invisible powers, against the hundred and one cunningly devised handicaps to good administration.

We might with good grace take kindly to a system that brought distinguished, capable, honest, well-qualified men for the public service. If we could get good men and good administration as the normal output of the existing systems of county government, there would be satisfaction all around.

But does the typical American government work that way? We shall examine in this chapter the relationships between the system, the men and the product.

To get the right angle on the subject, we should put ourselves in the position of, let us say, the sheriff of Pike County. He is a likable, popular fellow—that is how he happens to be sheriff. His likability, his popularity, have made him a particularly valuable adjunct of the Pike County Republican (or Democratic) organization. In the election campaign he has proven himself a vote-

getter, he has given the organization a respectable tone. And now that he is in office his congenital good nature has not been changed. His popularity has been due to his unfailing loyalty to his friends and supporters. These good people swarm about him on the first day of his term and he has it not in his heart to refuse the only favor within his power to grant.

So much for one set of claimants upon his favor. But there is also the whole body of his supporters, the general electorate and the tax-paying contingent of the county; they have a claim upon him too and the new sheriff enters upon his duties with a sincere desire to serve them by running his office in the most efficient and economical manner. The significant part of the whole business is that these two ambitions are more than likely to prove inconsistent. Personal friendship dictates that he should hand out deputyships to "the boys" of his own heart; public service, that he should ignore the claims of friendship and man his office with competent assistants, regardless of personal, political or ecclesiastical connections. And so the new officer, through a situation not of his own making, is caught in a dilemma. Probably nine out of ten county officials either resolve the difficulty on the grounds of friendship or strike a compromise between their conflicting desires—and the efficiency of the office in either case is impaired. Every man coming into an office with favors to dispense has strings attached

to his person. He cannot look his public duties quite squarely in the eye, but has always to qualify every new plan, every selection of a subordinate with "What will the county chairman say?" And if he has ambitions to hold office for a second term, or to go higher, he is naturally careful about irritating the goose that lays the golden egg. For the county chairman is not apt to be keen about the plans for economy or reducing the number of jobs for "the boys." Such plans do not fit in with his requirements.

The system hamstrings the man. Once a county officer in New Jersey needed two additional clerks. Believing, however, that the board of chosen freeholders was following a strict program of economy, he went to them asking for four new men, with the thought that his requisition would be cut in half. But not so. The official and the board were of opposite parties. A member of the board came around and remarked that "you need *eight* new men." The officer is said to have taken the hint and jobs were accordingly provided for four deserving members of each of the leading parties.

In such cases it is clearly not personality but the system that dominates.

The enforced division of allegiance between party and people is but a single source of personal inefficiency. Under the much lauded "government of laws" that reaches the heights of absurdity in the county, the chance of effective law

enforcement is reduced to a minimum. Take it for instance in the exact compliance with statutory procedure. The sale of a piece of real estate for non-payment of taxes, for instance, must be conducted in accord with a detailed series of steps set forth in the law, or the title of the property is clouded. Claims for payment for services rendered or material supplied, may also be legally allowed only after the proper formalities have been observed. And in countless other directions the efficiency of the county officers and employees must be measured principally by a meticulous obedience to the law.

But contrast the necessity with the performance: The former chief of the Bureau of Municipal Accounts in the Comptroller's office of an eastern state, after examining the affairs of fifty-six counties, was able in 1914 to say: "In not a single county examined has there been found compliance with every provision of law. On the contrary, in each of the counties examined serious irregularities in financial transactions have been disclosed, and the taxpayers' money illegally expended, in some cases beyond recovery."

The comptroller's agents examined the affairs of county "A." Of the transactions for the year ending October 31, 1913, they said: "County administration during that year was carried on, in many important respects, illegally, and in many cases the officials completely ignored the law, resulting in waste of public money, amounting

to many thousands of dollars." The former treasurer of this county, according to the official report, "had, it would seem, no proper conception of the legal duties imposed upon him. He made payments of unauthorized drafts of committees of the board. . . . His important statutory duty to pay only on proper legal authority apparently constituted meaningless words." The same authority reported that:

> "The board of supervisors ordered payments that were without authority of law, to the extent of many thousands of dollars. The illegalities in the audits of the board of supervisors were particularly objectionable because of the fact that many of the subjects of criticism were called to the board's attention in the report of a former examination. Illegal payments under such circumstances became a defiance of legal restriction. . . . The administration of the poor fund was not in accord with the law and through a failure of the officials to understand the requirements of the law and the necessities of the county, the lack of proper coöperation between the county treasurer, the superintendent of the poor, and the board of supervisors, confusion resulted in the poor fund finances and a large deficit accumulated which was financed by illegal temporary loans. . . . The county has suffered to a material extent from inefficiency, indifference to law and neglect."

That discoveries were by no means local or unique is indicated by periodical complaints that have come up from other parts of the country.

Was it men, as such, or was it not also a system that gave rise to the evidences of bad government in County "B."? Did it simply *happen* that the treasurer, the county judge, the district attorney, the sheriff and the justices of the peace were all breaking the laws at once? Is it to be supposed that law-breaking flourished naturally in the atmosphere of that particular region? The performances of these officers are both so instructive and picturesque that they will bear a brief recounting here.

The examiners of the affairs of this county a few years ago turned up this quaint little document:

"ELLENBERG CENTER, Nov. 21, 1900.

County of.....,Dr.,
to Wellington Hay.
1898, Sept. 22. To 7 days' labor with deputy sheriff looking up stolen horse..... $14.00
To paid all expenses per above..... 15.60

$29.60

"Mr. Hay performed services in following up two horse thieves who had stolen his horse at my request as sheriff, one of the men, George Burnham, had several indictments against him in this county and all who knew his doings were anxious for his capture, I certainly think Mr. Hay should be paid.

"C. W. VAUGHAN,
"*Late Sheriff.*"

In this instance, Mr. Hay, a deputy sheriff, was charging the county for chasing up *his own* horse. The county treasurer who paid this claim was the one who, in spite of very definite provisions of law, had failed to designate the banks which should have custody of the county funds, and deposited them with a favored institution which paid the county no interest; who failed to keep any cash book or any account with any bank even on the stubs of his check book; who allowed at least one creditor of the county to collect an illegal claim four times. This is the county in which the county judge was found to have his own private law offices elaborately furnished with all the up-to-date filing devices and blanks, all at the public expense; in which the coroner reports that between the 13th and the 19th of May he had worked *fifteen days* and collected in full from the county. The records of practically every other officer in the county revealed similar irregularities and a similar lack of any fine sense of the interests of the public.

Did it just *happen* that the people of county "A" or county "B" elected none but law-breakers to office? Was it the character of the officers which alone was responsible for "inefficiency, indifference to law and neglect?" Would the condition have been different with another average set of men in office?

This is certain: that upon the officers of county "A" was imposed the duty of enforcing laws

which were both intricate and difficult for a layman to find, and when found, to understand. But over and above all this, there was no constant discipline of a responsible organization and no certain and swift penalty for non-compliance with or disobedience of the law.

So difficult is the case, in fact, that it would seem from reports emanating from different parts of the country, that county officers have long ceased to worry about the legality of most of their acts. A common practice is not to investigate the law at all but to look back over the work of predecessors and follow in their tracks—an easier and more natural method for the untrained mind than to seek legal authority for action at its fountainhead in the statutes. But it makes a joke of the statutes! And when, in the absence of a powerful executive head, these written laws, which constitute most important connecting link, between the various county officers, are broken, the directing hand of the state is perforce withdrawn.

The failures of government in these counties were due in no small measure at least to the system, rather than to the individual men. No mere "good" man would necessarily have been better qualified or more inclined to look up the law and follow it implicitly. For it is not of such qualities that political "goodness," from the voters' standpoint, consists!

Nor are these minor delinquencies the sole products of the evil system. In Hudson County,

New Jersey, with a citizenry somewhat less alert and with state officials a little less vigilant, the essential factors present in the counties mentioned gave rise to positive conscienceless and willful waste of public funds. The story is illuminating:

The building of the court house was begun under an act of the legislature which authorized a committee of the board of chosen freeholders to purchase such lands and erect such county buildings as might be needed. The committee was empowered to appoint its own counsel and architect to go ahead and build. The only limitation upon its powers was that it should spend not to exceed four fifths of one per cent. of the county ratables. This was a restriction which, under the amount of ratables as of the time when the project was authorized, would have permitted a maximum expenditure of about $1,580,000. But before even the contracts had been let the growth in valuations had so increased that the committee might legally spend $7,500,000.

The original figure for the cost of the court house had been $990,000, but before the citizens of the county were aroused it reached $3,328,016. Investigation revealed such extravagance and carelessness with the county's money in every detail, that the legislature in 1911 abolished the committee and created a court house commission, the members of which were to be appointed by the Justice of the Supreme Court.

The building of county court houses under just such auspices and with a similar outcome is a characteristic bit of local history the country over. But county shortcomings do not always stop at willful extravagance. Sometimes it is a tale of grafting of the grossest sort, of which typical conditions a story is related by Herbert Quick, who had charge of an investigation into the affairs of Woodbury County, Iowa, some twenty years ago. The county supervisors apparently had traveled unobserved, unchecked, along the same road but further, as the officers of county "A" and the court house committee of Hudson County. Says Mr. Quick:

"A supervisor would draw thousands of dollars from the road and bridge funds on his own warrant, put the money in his pocket, and account for it by turning in receipts for road or bridge work. Some of this work was done and some was not. Most of the receipts were signed by political supporters of the supervisors. To some of them were signed names of persons who never existed.

"Everything the county bought was extravagantly bought. Any dealer who was willing to put in padded bills could get the chance to sell his goods.

"There was a regular system of letting bills go unpaid so that the persons furnishing the goods would put in the statements the second time, after which they would be paid twice—once to the firm to which they were really owing, and again

to one or more of the county ring. In most cases the merchant furnishing the goods never knew of the double payment. They had a system of orders and receipts by which the merchant was kept in ignorance.

"In some cases the approaches to bridges were built and charged twice, once to the road fund and once to the bridge fund. The man who did the work got one payment and the grafters got the other. The people paid twice in these cases, and sometimes three times.

"A merchant sold some blankets to the county for the use of the prisoners in the jail. He was allowed about a hundred dollars on the county claim register, but refused to accept the payment and sued the county. In court he recovered judgment for all he claimed, and was paid out of the judgment fund. The general fund claim he had refused to accept showed as unpaid. Somebody on the inside went to him and got an order for 'any sums due me from the county' and drew the original bill over again. So the county paid the original allowance, the amount of the judgment, and the costs of the lawsuit. Rather dear blankets!

"Orders of this sort were drawn in the names of the people who had been dead for years.

"This is a sample of the sort of work which prevailed in that county, and which plunged the county into debt from which it will not recover, the way things generally go, for generations."

In Indiana the leaven of obscurity and irresponsibility had long been working when the state board of accounts took up its work in 1909. The records of that office since that time show that more than one million six hundred thousand dollars had been charged against local officials and partly recovered. The board states that in their belief fully ninety per cent. of this was not due to deliberate wrongdoing but to an indulgent indifference, resulting in an almost endless confusion and incomplete accounts. Like the county officers in many another state, the officials in the Indiana counties, according to a message of former Governor Mount, "had been following precedents on an ascending scale."

If the whole trouble lies in the personnel of government, there is either no real county problem or else the problem is unsolved. If it is merely a matter of men, the voters of the county need only, when the next election falls due, to "turn the rascals out" and elect more promising successors. But then that is what the voters have been doing these many years, and county government has not materially improved!

But if when the "good man" theory has been tested to the limit and found wanting, nothing else appears, may it not be suggested that the system has much to do with the man first in his selection and then in the influence that determines his conduct? The officers in the counties cited were creatures of the flesh. They found them-

selves involved in an organization which not only gave them little or no moral support, but which actually surrounded them with temptation to loaf, to commit errors and to steal. They were under no discipline to obey the law or to treat the interests of the county with any due consideration.

In the realm of government, as in the department of horticulture, it would appear that figs are not gathered from thistles.

CHAPTER IX

THE HUMANITARIAN SIDE

BUT the delinquencies of the county are not wholly related in terms of finance. Some good friend of the system is sure to come forward with the remark that "county policies, like every other branch of the business, may be expensive, but it has a good deal of wholesome humanity about it."

A view that is worth examining!

To the lot of the county, acting through the machinery and under the influences which have been described, has fallen in large part, the extensive and important governmental burden of looking after the poor who are always with us, the sick in mind and those in prison. The magnitude of this task in a populous center may be gathered from this summary of the humanitarian functions of Cook County, by Dr. Graham Taylor.

"It housed, fed and cared for about eleven thousand prisoners in the county jail, nearly ten thousand of whom required medical treatment for infectious diseases.

"It gathered in, temporarily cared for and

committed to state asylums or discharged, 2334 insane patients.

"It assumed and maintained care for 10,597 delinquent and dependent children.

"It isolated and stamped out contagion.

"It housed, fed and furnished medical and surgical treatment for 34,000 sick people, 1000 tuberculosis patients, and 3000 aged, infirm or irresponsible people.

"It supplied food, clothing and fuel to about 200,000 persons; buried 978 pauper and friendless dead, and granted $165,000 to 350 indigent mothers for the support of 1126 children. To perform this service it required the full time of 3000 employees and part time of about 10,000 others. The appropriations of Cook County for 1913 total $7,072,486.96."

Such is the budget of what we may call the human problem of a great metropolitan county. Between the services rendered in such a unit and those of a sparsely settled, back-country county, almost anywhere in the United States, the difference is one of degree rather than of kind.

This is the ancient heritage of the church, which it has gradually transferred to the shoulders of the State, beginning at a time when the treatment of unfortunates was yet mostly a matter of getting undesirable citizens out of the way without actually assassinating them. The recipients of relief in early times were all treated as just so much of a public charge and all were obliged to

wear the letter "P." There was no science of penology, and the insane were treated as possessed of devils. Modern institutional care was practically undreamed of.

But the care of unfortunates within the last half century has come under the dominion of the scientific spirit. The old way was to "bunch" all kinds of poor and all kinds of dependents and all classes of criminals, regardless of all antecedent circumstances and all hope of betterment. Science, on the other hand, has demanded first, investigation into the causes and nature of crime and deficiency, then classification of cases. New York led the way in the treatment of these social relief problems by starting the process of segregation. In the early part of the nineteenth century the almshouses in America and the workhouse in England began to be built, as an expedient for facilitating investigation of applicants and decreasing expense. These institutions were soon used to house all sorts and conditions of men, women and children. Says one authority[1]:

> "If you went into an almshouse in any of the counties of this State as recently as the '70s of the last century, you would have found a mixture of the aged, who were in the almshouse simply because they were old and misfortune had come to them and they had lost their money and were therefore obliged to spend

[1] Bailey B. Burritt, in *Proceedings of the Second Conference for the Study and Reform of County Government*, pp. 6, 7.

their last days in the almshouse. In addition, you would find children of all ages, beginning with infants. A large number of infants, especially illegitimate children, would be housed in the same building and would be cared for promiscuously with the older groups. You would also find large numbers of the insane, as there was no separate provision for them at that time. So with the epileptic and feeble-minded and every class of dependent vagrant and inebriate. It was a veritable dumping-ground for all sorts and conditions of humanity."

In the movement for segregation of cases the first step was to secure a prohibition against the commitment of children to the almshouses. Special provision was later made for the insane. From time to time other classes of cases, including the feeble-minded, the epileptics and vagrants, have been transferred for appropriate treatment elsewhere. Later came the public health movement, the basic idea of which is the segregation of the sick poor from those who are sound in body but destitute. Even at the present time the almshouses are used for inebriates.

In a later period the standards for the treatment of prisoners have been advanced somewhat more slowly but along the same scientific principle of classification and segregation, but less with reference to psychological and sociological causes or the nature of crime than to the conveniences of administration. But segregation has been prescribed by law in generous measure according to

certain crude principles of decency and justice. Thus the New York Prison law provides at least ten classifications, involving separation of men from women, men from boys, persons awaiting trial from those under sentence, civil prisoners and witnesses from criminal prisoners.

So much for the modern standards. Against such standards the success or failure of the county as a humanitarian agency must be measured.

THE POOR

First as to the poor.

We can do no better than to recount the performances of certain typical states. Certainly in New York the substantial improvement of this class has come through no strong impulse within the county itself, but rather as the result of the activities of unusually strong volunteer organizations which forced the fact of the evil conditions upon the attention of the officers and the people of the county and upon the state in general. But lest it should be supposed that New York State is a model in this field, let it be recorded that when by more or less of an accident Mr. V. Everit Macy, a real friend of scientific charity, was elected to the office of superintendent of the poor, he found a system more ideally fitted to take care of "the boys" in the "organization" than the poor themselves. In describing the system he said:

"The law ingeniously divides responsibility so

that the superintendent has no power over the admissions to the almshouse or hospitals or of children to institutions but only the negative power of discharge, while the local committing officials have little control after the adult or child is committed. This often results in setting up an endless chain of commitments and discharges, for, as fast as the superintendent discharges an adult or a child, the local official may recommit.

"The superintendent is on a salary but practically all the overseers are paid on a *per diem* basis, and the justices of the peace are paid a fee for each commitment. If an Overseer issues an order for groceries or signs a commitment, he can collect his two dollars for a day's work.

"Could ingenuity devise a more absurd and wasteful method of relieving suffering or one where responsibility and control could be more disastrously divided to the injury of the taxpayer and the poor?"[1]

The same authority is responsible for the statement that "the greatest injustice to the individual and injury to the state is now done through the haphazard handling of the cases of delinquent and destitute children." Overseers of the poor, justices of the peace, police magistrates and judges can all commit children and most of these officials have a monetary interest in committing. Few of them have any means of investigating cases before acting and fewer still have any training to fit

[1] *First Conference for Better County Government*, p. 22.

them to deal wisely with either the destitute or delinquent child.

But what of other states?

In Missouri where poor relief is a function of the county court, a county almshouse is maintained and a certain amount of outdoor relief is dispensed. Professor Isador Loeb[1] of the University of Missouri reports:

> "While the county board is authorized to maintain a county hospital for the sick poor, this has been done in only one county. Nine counties still use the primitive system of sending the poor to board with private families. Most of the counties in abandoning this system have bought a farm and employed a superintendent to look after the poor and use them as far as possible on the farm. As a result the almshouse in the majority of the counties is a farmhouse, and the county is apparently more interested in the successful management of the farm than the welfare of the inmates. While a number of counties have erected modern buildings, the physical conditions in most of the almshouses are very bad."

With respect to Pennsylvania, the special agent of the department of public health and charities writes[2]:

> "Twenty-seven counties have now accepted the Children's Aid Society as their agent for the care of dependent children. In the other

[1] *Annals of the American Academy of Political and Social Science*, May, 1913, p. 56.

[2] *Op. cit.*, p. 168.

counties nearly every possible method of caring for children is represented in the courses chosen. Where the township system is in use, the few dependent children are placed out by adoption or indenture, by the overseers themselves. Several counties have built homes for the children, an expensive method, with no merit so far as the favorable situation of the children is concerned. Some of the overseers place the children in institutions, while others use private homes to some extent, controlling and supervising the children themselves."

THE INSANE

In no branch of humanitarian service is segregation, classification, even to the point of individual treatment, more essential than in the care of the insane. New Jersey puts no inconsiderable number of her mentally afflicted on a par with offenders against the criminal law for, according to the Commission on the Care of the Mental Defectives for the year 1913, fifteen counties had confined insane persons in penal institutions, in some cases for periods of from 85 to 223 days. The State Charity Commission in Illinois recently reported that in spite of a provision of the statutes forbidding such practices, only eleven of the 102 counties did not so offend. Louisiana is reported to have many lunatics in its parish jails.

In but few states are there no insane in the county almshouses, for at least temporary confinement, and particularly is this true in the South

and Middle West. In such institutions a condition sometimes prevails that staggers imagination. For the state of Pennsylvania, Dr. C. Floyd Haviland has summed up the situation in these words:

"As a result of the existing system, in these institutions, custodial care is generally substituted for active remedial treatment directed to the improvement or the recovery of the insane as such. As a rule, medical treatment for physical ills is satisfactory, although such is not invariably the case. With but few exceptions, the county institutions have no special medical facilities, nor can it be expected that such facilities can be provided under present conditions, for, with the comparatively small number of patients treated in the respective institutions, such provisions would require a prohibitive *per capita* expense; but as a result of such lack of facilities, mechanical means of restraint and confinement are substituted for proper personal treatment and attention. With but a limited number of attendants, enclosed exercise yards and personal restraint and seclusion must inevitably result. Under existing conditions, one cannot blame the caretakers of the insane for resorting to such means, for while restraint and seclusion can and should be abolished, they cannot be successfully abolished without the substitution of other means of dealing with the disturbed insane, such as hydrotherapy, occupational training, and close personal supervision. In this connection it is agreeable to note that little evidence was obtained of actual physical abuse, but that gross neglect exists is indisputable.

"That the theory of county hospitals for the chronic insane only does not obtain in actual practice is but a necessary result of the prevailing custom of determining the question as to whether a patient shall be committed to a state hospital, regardless of prognosis or medical issues, in many instances the decision being made by local lay authorities without medical advice. It is certain that many acute cases have lapsed into chronicity in the county hospitals simply for lack of proper treatment. Dreary, desolate wards, lack of recreation, or other means of exciting or maintaining active interest are alone sufficient not only to hinder improvement or recovery, but must necessarily result in actually hastening the terminal process of deterioration."[1]

Writing concerning the treatment of the insane in Texas, Dr. Thomas W. Salmon, of the National Committee for Mental Hygiene calls county almshouse care of the insane the "saddest and most sordid spectacle in American community life." For a graphic picture of the practical significance of the system in one of the almshouses in that state the reader is urged to read the extracts from Dr. Salmon's address in the Appendix of this volume.

COUNTY PRISONS

But what of the treatment of the prisoner? The county theoretically has very little to do

[1] *The Treatment and Care of the Insane in Pennsylvania*, pp. 68–69. Philadelphia, 1915.

with persons convicted of serious offenses. By far the greater number of the inmates of the prison are persons awaiting trial and therefore presumably innocent of wrongdoing. The minimum standard of justice demands that such persons be kept apart from hardened criminals. We shall see how this and other standards are observed in the county.

To begin with, it should be noted that the head of the jail, universally, is the sheriff. Bear in mind that this officer in forty-seven states is elective, that his term is usually very short, that he is usually ineligible to succeed himself and that he has numerous special duties to perform. It is therefore obvious that nothing but an exceptional piece of good luck can bring to the head of the jail an expert penologist. Often, too, he will be under contract with the board of supervisors to supply the prisoners with food at as good a profit to himself as may be.

In this atmosphere it is certainly not to be expected that the finest flowers of penology should grow. Massachusetts has so far fallen below standard as to call forth this stinging description from the Massachusetts Prison Association:

> "In fact, in the county prisons nothing is done but to give the inmates custodial care. The man who goes to the reformatory is dealt with with a definite purpose to reform him. Another man goes to a county prison and comes out unchanged.

"Even worse is the indiscriminate association of all sorts of criminals in the county prisons. Beginners in crime are forced into close contact with hardened criminals. Men who are committed for being too poor to pay their fines for petty offenses, are compelled to associate with men who have spent their lives in crime. The county prison is, inevitably a school of crime."[1]

The Prison Association in New York State is scarcely more complimentary concerning the prison conditions in that state. According to Mr. O. F. Lewis,[2] its secretary, the requirements of the statutes respecting the classification of prisoners appear to be systematically violated. Jails are frightfully overcrowded. The buildings are faultily constructed and unsanitary. For a prisoner to make a six-months' stay in one of them is to undergo "the most serious possible contamination."

The condition of the jails in Illinois is apparently no better, for the State Charities Commission reported recently,[3] there had been little improvement since the first examination of the former State Charities Board in 1870. A large majority of the jails were reported to be old and unsanitary. In seventy-two of one hundred and two counties, the law requiring the segregation

[1] *Leaflet.* 1911.

[2] *Proceedings of the Third Conference for the Study and Reform of County Government*, pp. 6–7.

[3] *Annals of the American Academy of Political and Social Science*, May, 1913, p. 70.

of minors from adults was violated and in eleven counties there was no provision for women.

And so it goes. The county as a truly humanitarian agency has most lamentably failed. As to the underlying cause of the failure, this is suggested in a remark of the state prison inspector of Alabama in his report for 1914: "Publicity is not only a political antiseptic, but is the sure antidote for most, if not all, our governmental ills." A justifiable inference from this declaration would be that counties are suffering from the lack of publicity. In the immunity from the restraint which such a purifying influence would supply the elementary human instincts of county officials has full sway—such instincts as the inspector had in mind when he said:

> "The vile, pernicious, perverting, fee system beggars description, and my vocabulary is inadequate to describe its deleterious and baneful effects. It inculcates into the management of our jails greed for the Almighty Dollar; persons are arrested because of the dollar and shame to say, are frequently kept in captivity for months, in steel cages, for no other reason than the Almighty Dollar."

The organization of the county for political purposes to secure the utmost obscurity and irresponsibility breaks the force of any humanitarian public opinion that might be developed for the betterment of the lot of the unfortunate. The same influences render the county practically

uninhabitable for the expert administrator, who would be likely to direct popular attention to the evil conditions which we have described. His place has been preëmpted by the hanger-on and the wire-puller to whom charity means the dispensing of favors to "deserving" workers of all political faiths. In *this* sense the county is a very humane institution, and a very open-handed one. It serves well such local officials as the overseer of the poor in an up-state New York county who presented this remarkable annual report to his superior:

> "I am a little late with my report. I hope you will excuse me and overlook the matter. Like last year, there are no county poor here; but if you will allow me $5.00 *for keeping them off*, you will oblige,
>
> "Yours respectfully,
>
> "——."

This claim was paid and the poor were presumably "kept off" indefinitely.

There is not a little evidence to support the statement that many county officers believe that they have satisfied the requirements of humanity when they have taken care of their own personal wants. Such officers, and the system of which they are part, are very good—to themselves.

CHAPTER X

ROADS AND BRIDGES

To the county in most of the states has also been committed from early times, the obligation to carry forward what is now generally recognized as one of the greatest of unifying, nationalizing, civilizing factors in this or any time—highways. Through these avenues of communication the people of the wilderness were to break their solitude, establish common understandings and give value to the products of the earth by creating markets for their distribution. Over the highways access was to be had with schools and churches.

From the colonial period and well down into the nineteenth century, the construction and maintenance of roads was, in diminishing degree, a private enterprise, operated by turnpike companies primarily for the benefit of their stockholders rather than that of the public. Gradually road making came to be regarded as a public function, at first in respect to the repairs upon the private toll roads and then in original construction. In the year 1913 the amount which counties of the country spent upon their highways had mounted to $55,514,891.

To the fulfillment of this great function the county brought those weaknesses of governmental organization, that lack of equipment, that defective loyalty to the service of the whole people which have been described heretofore. The erection of a road system was a demand for broad, foreseeing knowledge and appreciation of the needs of the whole county, high technical skill in the art of road making and adequate financial arrangements. The county supplied none of these.

What the county did supply and how it supplied it may be worth the recital, even though in these days of the "good-roads" movement the state government is constantly stiffening its hold upon highway matters.

To begin with, the whole public road function is rooted, historically, in the tradition of the people's infinite political versatility and infallibility. The true democrat of the nineteenth century never doubted his ability to select and control the human agents for executing a technical and difficult engineering problem, which has baffled the resources of modern specialists. And so, to this day, the management of road construction and care over a great portion of the country is entrusted to a farmer, a blacksmith, a plumber or some other species of layman who has sufficient popularity with his neighbors and the county chairman to get himself chosen as town supervisor. In some states the rôle of road manager is played

by the somewhat better equipped county surveyor, who, however, like the supervisor, is picked in the majority of cases because of his vote-getting qualities rather than for any technical training.

Under these circumstances the roadmaster is apt to enter upon his public duties with a sense of his obligation not to the whole community and its ultimate interest, but to those articulate sections of the people who are most likely to make themselves felt on the next election day. As a certain highway engineer illustrated the situation: "Here's $10,000 to spend on roads. Here also is Jeff Browning up on Nut Creek, who wants quite a little road work done. Of course, Jeff lives fifteen miles from the county seat, and there's fifteen miles of bad roads between his place and town, *but Jeff voted the whole settlement for me*, and he has some idle teams, and we'll just help him along by spending some money at his place." It is one of the familiar processes of practical politics and the imagination should have no difficulty in picturing any number of equally accommodating transactions.

Quite as serious an aspect of road control directly by elective officers is that it gives too great and too convenient an opportunity for layman advice and prejudice to bear upon a technical problem. One curious idea which is prevalent in middle western rural districts is that a road, in order to be a road, must be on a section line, regardless of the contour of the land, the con-

venience of users of the highway or the character of the soil. The engineer above quoted tells of a very bad hill about two miles north of Poplar Bluff, Mo. "The grade," says Mr. Edy, "must have been something like twelve per cent. in places. It was estimated that by going around this hill, a grade of six per cent. could be obtained, increasing the distance but slightly, and traversing almost worthless ground. The owner, however, would neither give nor sell a right of way, holding that unless the road were maintained 'on the line' it would not be a real road. Something like $400 was spent on this bill in an effort to make it passable, when half that amount would have made a permanent road in a new location."

Of course, when the organization of the county gives to Jeff Browning and the philosopher of Poplar Bluff the predominating influence in road affairs, there can be nothing in the way of a county road policy or road plan that is based upon the economic and social needs of the whole people. The system enthrones petty rural sectionalism and narrowness and condones a form of graft which is without doubt as vicious in principle as the stealing of a street railway franchise. Where the township supervisor is the responsible official the case is at its worst for it means just so many more executive units to be watched, just so many more standards of road construction, just so many more independent road plans.

The "business" end of county road adminis-

tration is often weighted down to earth with the same sublime faith in the wisdom of the average citizen. Rarely have counties maintained anything that approximated adequate records of cost or serviceability of their roads and bridges or data upon which they could construct a satisfactory policy of construction, if indeed their governing bodies have dreamed of the need or the value of such aids. Even of so highly developed a community as Monroe County, New York, in which the City of Rochester is situated, it could be said concerning the office of highway superintendent that "the only record now kept is a bill book in which are entered all claims against the county highway fund which are paid through the superintendent's office, all payrolls and all claims for personal service."[1]

Much the same lack of appreciation for facts was revealed in a cruder way in a grand jury investigation during 1912 of the methods of the Board of Commissioners in Darke County, Ohio, where it was discovered that minutes were rarely read and contracts were voted twenty at a time and sometimes without the formality of a vote, in direct violation of the law.

From another middle western state comes an illuminating description of the method of awarding bids on bridge construction: "Each competitor submitted his own drawings and an estimate to a

[1] From an unpublished report of the Rochester Bureau of Municipal Research, 1915.

board of commissioners, not one of whom had the least technical knowledge or practical experience, but was 'led away' generally *by the size of the drawing* and the accompanying estimate.

"The result was shoddy work, insufficient piers or abutments, piles not driven down to any safe and permanent depth and finally a bridge that was built for appearance, not durability nor permanency. Just as soon as we had a flood bringing down logs, stumps and trees, some of these would strike or swing against the piers and down came the structure, floating away or lodging in the stream, causing a jamb to accumulate, holding up the stream and overflowing land for miles.

"It took many years to get a system where an engineer designed a bridge with details of construction, steel or iron cylinders filled with concrete as piers, and a superintendent of construction who knew his business to take charge of the work.

"Thus we spent thousands of dollars for bridges to be erected simply to see them carried out; in one instance twice. But the cost and failure combined in time brought forth such protests that such a system would not be tolerated longer; but the waste was done and the money practically thrown away.

"In county road repair and construction we were no better. The district boss was elected politically, and of course he rewarded his commissioner friends by working the road fund. He dared not com-

plain of short hours or little done or sitting by the road discussing how to 'fix the election,' and usually the work was done just before the nomination and election. The 'dump of dirt' was left in a pile, not even leveled; every team avoided it if possible, and when winter then came it was 'slurry' and mud. No ditches or outlets for same were made or cleaned out, and if any suggestion was made for improvement, you were told 'it was good enough before you came and you can get out if you don't want to stay.'"

In Polk County, Iowa, an investigation in 1912 disclosed the fact that the board of supervisors had paid out $100,000 for contracts without asking for bids. They never required plans or specifications of any bridge to be constructed. Bridges had been ordered without any idea of what they would cost. No guarantee bond was required and bridges were accepted without inspection. Certain companies had been favored to the exclusion of others and the result was that in many counties bridges were built at a cost fifty per cent. higher than their reasonable value.

To the rich opportunities for "turning an honest dollar" which lurked in such systems and in such an attitude on the part of the public officers, the "powers that prey" have been keenly alive. The tale that was told a few years ago, with a multitude of specifications, by a few enterprising farm journals in the Middle West, rivals, except in dramatic quality and the size of the sums in-

volved, the characteristic falls from grace which have been heretofore associated with ward aldermen and legislators hailing from wicked urban districts. It was a serious indictment of county officialdom which is contained in a letter of the chairman of the Roads and Highways Committee of the lower house in Kansas, who wrote in 1913:

"I know there are comparatively few county commissioners who profit personally by the manipulations of the bridge companies but the representatives of the companies are shrewd men who understand thoroughly that the average county commissioner is very jealous of his bridge patronage, and brooks no interference with his handling of the bridge business with a free hand. Consequently the bridge men play this feature to the limit and to their own profit."[1]

That Iowa was inoculated with the same germ is suggested by remarks of Alson Secor, the editor of *Successful Farming:*

"The bridge men are not depending upon a lobby at Des Moines, or any state capitol, to put through what they want, or to prevent legislation that will make bridge letting competitive. They work to elect or defeat supervisors. They finance state supervisors' annual meetings and give the watchdogs of the public treasury that contains your tax money such a good time that the 'boys'

[1] *Successful Farming*, June, 1913.

fall under lasting obligations to the bridge companies.

"Bribe the lawmakers? Oh, no! You can't say that. It isn't a bribe to hand a man a line of soft talk, is it? It isn't a bribe to give a county official a hilarious good time at a summer resort, is it? Or to pay his hotel bills when he attends the state meetings? No—a thousand times no—legally.

"But the bridge men get there just the same. They have for years prevented any legislation that would give them a dollar's worth of bridge work for a dollar's worth of taxes."

So well satisfied were the favored bridge builders with the *status quo* in Nebraska in 1913 that they are said to have maintained at the state legislature a powerful lobby to oppose by corrupt methods a bill whose one purpose was to require bidders to furnish estimates on uniform blanks. The information thus obtained would have been placed on file at the state capitol and made available to all who might wish to compare the cost of construction in different counties—light would have been let into the operations of the counties in bridge-building matters.

It would seem, then, that the *system* did have much to do with waste of public funds and inefficiency of every sort and was the basis of a certain amount of corruption, in all the states mentioned. It was not all simply a matter of "good" men and "bad" men. But the breakdown of the

county in highway affairs is fast becoming ancient history, not directly, through a process of regeneration, but through forces playing upon the county from without which we will again identify for the present simply as the "good-roads" movement, of which more hereafter.

CHAPTER XI

NULLIFICATION

EVERY now and then we shall have to remind ourselves that the county made the politician, rather than the other way round.

And the county in its turn, is pretty well rooted in the good graces of human nature. When American counties had been formed and their legal status as subordinates of the state had been established, the people throughout the length and breadth of each of the states were pretty much of one mind in the fundamental standards of personal conduct. A tradition of strict morality dominated New England. Its dominion was not seriously questioned. The South and the middle states may not have been so strict but they were homogeneous in their own brand of morality.

Then in due time two movements took place in the northern states. Just as the constitution follows the flag so the Puritan morality (more or less modulated and diluted) trailed the westward drift of New England population, first into New York, then into the Western Reserve and finally into the Middle West and Northwest.

But another force contended for mastery with the New England influence. The growth of the cities and particularly of the factory centers was simultaneous with the great waves of immigration from central and southern Europe. With the new immigration came a conflicting standard of morality. The German and southern European immigrants particularly, brought with them liberal ideas of Sabbath observance. They also loved their beer and red wine. In time they upset the moral balance of the cities, coming into sharp collision with the New England (we might also say, American) conception of the Sabbath and with the total abstinence idea which began to get a firm foothold in the nineteenth century. This complex influence gave us the setting for at least one phase of that never-ending feud that rages between New York City and "up-state." It pitted Chicago against rural Illinois. It made Cincinnati a more or less alien city in Ohio. It gave us a permanent body of citizens who resent having their conduct dictated (as they apparently view it) from above. Preponderantly foreign in their origin, they are loud in their proclamation of their rights as American citizens, while the New England element, still most influential on the whole in the rural districts, is properly horrified at the low estate of virtue in the cities.

It was inevitable that this clash of interests should be reflected in politics. Our curiously illogical state system lent itself most obligingly,

if albeit rather ludicrously, to a compromise; the New England conscience should get the necessary laws and the "foreign element," where its political force predominated, should control their enforcement! The state of Illinois has carried on its statute books a law requiring the closing of saloons on Sundays, which applies uniformly throughout the state. Never till recently was a serious attempt made to enforce it in the city of Chicago, which was quite in accordance with the *modus vivendi*. Then, in 1915, a new mayor took it into his head to close the saloons up tight. On a bright Sunday afternoon the populace, thirsty and indignant, turned out and demanded their American rights. The mayor's attitude came from reading the law literally but without a due regard to the great body of voters who are "for the law but 'agin' its enforcement."

The state system regularly provides against such mistakes of official judgment by carefully divorcing the *duty* to enforce from the *incentive* to enforce. The New York laws forbid the placing of wagers on horse races. They stand there presumably as a monument to the enlightened conscience of a majority of the people. They were not enacted as an expression of moral sentimentality to be ignored at will, but as an instruction for the governor, the administrative establishment of the state and the courts to carry out. The statute is of course obeyed in all counties where there are no race tracks and no facilities for placing

bets! But in the other counties? The legislature has provided no means of execution other than the locally controlled peace officers, the sheriffs and the constables. These are the servants of the state, to be sure, and they are sworn to protect its laws. But in a more direct human way they are of the county, bound to the local hotel keepers, the local retail merchants and the jitney bus owners whose business thrives on the patronage of the race-track crowd. Local public opinion in the race-track district flouts the will of the people of the state and it says to the state, as President Jackson said to the Supreme Court, "You have made your decision; now enforce it."

Only occasionally does moral sentiment run strong enough to force the governor to be in fact as well as in theory the real head of the state in the sense that he employs state instruments to enforce state desires. Such an incident occurred a few years ago when the governor of Indiana was compelled to order out the militia to enforce a law against race-track gambling because he had no power to compel the elective sheriff or other local officers to do their duty.

In practical politics this clash of moral standards produces not only the anomalous situation referred to but often the strictly administrative matter of law enforcement is consciously and designedly a political issue. The popular desire to graduate or temper the enforcement of the law is doubtless the real secret of interest which

so often centers in the election of a district attorney. Shall we have a "liberal" administration or shall we "clap on the lid," that is about the form the question takes—euphony for: "Shall the prosecutor shut his eyes and ignore the law, or shall he obey it according to his official oath?" The liberal candidate goes before the people with promises to go easy and the strict morality candidate to make the way of the transgressor hard.

Which is right? For the present it matters little. It remains simply to point out that since the organization of the state and county provides no organ of expression for local policy, the people in their infinite capacity to adapt themselves to a hard condition proceed to make a policy-determining body out of a strictly administrative officer, like the district attorney or the sheriff.

Nullification shows itself also in the administration of the tax law. Most of the states derive a portion of their revenues from the general property tax. But the power of taxation lies in the legislature and no state has its own local agents directly and fully responsible to a central authority for fixing the valuations upon which the levy is based. The county (except where state revenues are derived from distinct sources) is required to contribute its proportionate share to the central treasury and is left to do the right thing by the state, with such supervision as will be hereafter noted. The people of the county are allowed to select their own assessors, on the theory that a

man on the ground knows valuations better than any outside impartial person and that no one is more competent to select such a man than his own neighbors.

And so it happens, just as in the case of the sheriffs, that the local tax officers are confronted with conflicting obligations. They must take their choice, on the one hand, between strict observance of the law and unpopularity, with the probable loss of their jobs at the end of their term, and popularity with prospects of possible political advancement and a more or less assured living, on the other. Inasmuch as there is never any question as to which of these courses is the more practical and immediately profitable, the tax assessors of the county invariably find it infinitely to their personal advantage to serve the locality that pays their salaries. Assessors in the sister counties do likewise; with the ultimate result that general competition arises among the counties as to which shall value property lowest and thus pay the smallest proportion of the state's tax. The system is ideally designed to reward dishonesty and perjury and punish faithful obedience to the law. For, as a former New York State Tax Commissioner has said, "Under assessment is the rule throughout the state, and in nearly all the tax districts intentionally and purposely so." The range of these assessments is well known to be anywhere between twenty-five and ninety per cent. of the full value of the

property. And the assessors "make their own laws as to the basis of assessing property, in deliberate violation of the statutes and then proceed to make oath to the assessment rule that they have assessed all property at its full value." That what is true of New York is equally true of most other states where an analogous system prevails, is the testimony of tax authorities.

These frailties of human nature the states have weakly connived at by the provisions they have made for equalization of assessments. It is the old story of reform via complication and, as one county attorney in New York has testified, "equalization in this state is an abomination, a joke, a cover for deals and trades, a means of purchase and sale, in its results most unfair and unjust, based on the assumption of accomplished perjury, in itself a chief cause of the perjury." A Missouri authority corroborates by remarking:

> "The county board of equalization . . . does little to improve the situation as it is affected by the same conditions which influence the acts of the assessor. Much the same is true of the state board of equalization which consists of the Governor, Secretary of State, State Auditor, State Treasurer and Attorney-General. This board has authority to equalize assessments among the counties, but not among different persons or property within the county. The officials who make up this board have neither the time, information nor powers to adequately correct the evils. *Political considerations also affect the solution of the problems.*"

But the way to a sincere and logical system is not easy. Popular sentiment seems to favor the *status quo*. For the first time in the history of this country, Governor Cox of Ohio in 1913 persuaded the legislature to establish a unified plan of organization for local assessment. Inasmuch as taxation is the prerogative of the state government, he proposed a system of tax assessment which would have made this idea an actual as well as a legal fact. The law would have abolished the locally elected assessor in the counties. Full control would have been placed in the hands of the state government, since the Governor would appoint the local officials. There would probably, in the nature of things, have been an end to log-rolling and to competition between the counties to "beat" the state. The law was passed, but it was so unpopular that Governor Cox's opponent in the succeeding election used it for political capital. One of the earliest and proudest achievements of his administration was the repeal of this law.

And so our old friend the "average citizen" finds it often acceptable to have a county government that is not built in strict conformance with logic. It is a complicated mechanism to be sure, but what matter, if he can employ a chauffeur to run it? To meet just such specific demands as this the professional politician and his illogical system have arisen and continue to exist.

CHAPTER XII

STATE MEDDLING

Now the other side of the story.

While the county nonchalantly and with seeming impunity has been breaking all the inconvenient statutes, the state in its own peculiar way has been working out a method of "taking it out" of the county for the indignities of nullification. The state's "big stick" (which it does not always employ to a public purpose) is a policy of meddlesomeness which expresses itself through special legislation. Of which, more herewith.

In times gone by, when counties were almost universally located in the open country, and before the rush for the cities had set apart centers of population which developed their special mechanism of local government, it was doubtless appropriate that constitutions should impose upon legislature the duty to legislate "uniformly" for all counties, even to the point of anticipating some of their more detailed needs.

Practically every state legislature was given a considerable, if not complete, power to bend the county to its will in every particular of govern-

ment. In the logic of the law, the county was a subdivision of the state before it was an organ of strictly local government. The legislature might erect new counties or change boundary lines at will, with the one limitation in some states that its decision is subject to a local referendum. It might also erect new county offices in addition to those mentioned in the constitution and fix their powers and duties. Long ago it became the accepted principle of law that local authorities might exercise only such powers as were specifically conferred upon them.

The theory was, apparently, that since counties exist to execute the will of the whole state and have the same general duties to perform, all counties can and must perform them in the same manner. It is a plausible theory. If a county is to administer justice it needs a judge, a sheriff, a prosecutor and a court clerk. And each of these officers in the several counties should follow as closely as possible an identical or similar procedure. Every county must have a fiscal agency, a governing board, and be required to observe certain minimum standards in the handling of the funds entrusted to its care.

Uniformity up to this point is doubtless not burdensome but helpful. But by carrying a good idea too far the legislatures have often gone beyond the point of setting up a general organization and procedure and have descended into minor details which would usually best be determined in

the light of the more perfect knowledge of local conditions which the people of the locality may be expected to possess.

The New York legislature, for instance, has accepted the inertia of long-standing custom and permitted to stand on the statutes a county law under which the boards of supervisors in all counties, except those of New York City, are organized in precisely the same manner. No regard for the far-reaching historic shifts of population; no thought as to how deeply the social and political unity of a particular county may have been shattered by the growth of great cities in the midst of apple orchards or grain fields. The law has passively assumed that voters are voters (just as "business is business" and "pigs is pigs") whether they reside in a crowded city or sparsely settled countryside where everybody knows everybody else's business and has plenty of time to play politics.

And so it turns out that Erie County, containing the city of Buffalo, with its half million inhabitants surrounded by a farming district, is equipped with the same general form of government as the rough and sparsely settled counties of Warren and Essex in the Adirondacks.

In other states, for Buffalo substitute Cleveland, or Chicago or Milwaukee—great cities unequally yoked with an agricultural population of divergent interests.

It is inevitable under the circumstances that

the states through their legislatures should do a good deal of polite nullifying on their own account. The provisions of the constitutions relating to legislative powers over counties, instead of being strictly construed have ingeniously circumvented. What some legislatures could do in defiance of good political science but yet without legal evasion the California, New Jersey and other legislatures have accomplished by stretching the meaning "general" or "uniform."

Take the California practice. In the words of the constitution the legislature is required to establish "a system of county government which shall be uniform throughout the state." But it happens that these counties range in population from a few hundred to over half a million, and in area from 755 to 23,000 square miles. Some are strictly rural, while, at the other extreme, is one geographically identical with the city of San Francisco. All sorts of combinations of urban and rural conditions intervene. Some of the territory is traversed by steam railroads and trolley lines and some of it is inaccessible to a stage coach. But all of it is "uniformly" governed. Inasmuch as the legislature never could bring itself to withhold its hand from the minute details of county business, it had to find a way to "beat" the constitution. It placed each of the fifty-six counties in a separate class, and passed fifty-six "general" laws, each applying in fact to a single county, but not mentioning the county by name!

In Illinois the habit of special legislation has led the Bureau of Public Efficiency to remark that: "The General Assembly of Illinois might with propriety be added to the list of nineteen local governing bodies of Cook County, for it is continually interfering in an arbitrary manner in matters of local administration."

New Jersey has sinned quite as grievously and its courts have consistently upheld the act even against a provision of the constitution which expressly prohibits the legislature from "regulating the internal affairs of towns and counties."

But lest the full import of these statements should be lost, the following titles of special county bills in a single session of a New York legislature, are cited in evidence:

Authorizing conveyance of land on Holland Avenue.

Striking out the provision authorizing county treasurer to appoint an attorney.

Regulating tax collection procedure.

Fixing compensation of unskilled laborers.

Correcting 1915 tax roll.

Creating a county auditor.

Increasing salary of sheriff, etc.

Levy of taxes to meet cost of sanitary trunk sewer.

Regulating management of penitentiary and workhouse.

Creating commissioner of charities.

Too often the motive of the legislators has not

been to make the county the state's more obedient servant, but to "bleed" it to the utmost for political purposes. Back of the real difficulties of adjusting the state's responsibilities to the idea of local control over administrative details, is too evident the suspicion that the political machine needs the county very much "in its business."

For this reason, doubtless, special legislation affecting counties is so often inseparably associated with the forcible opening of the county treasury. New York City in recent years has suffered grievously from mandatory salary increases, imposed in many cases by a party of the opposite political faith from the one in control over the local budget. Thus in 1915 out of a total budget allowance of $7,003,716.82 for county purposes, the sum of $4,858,773.47 or 69.1 per cent. represented mandatory appropriations which could not be increased or diminished by the local budget makers either because the exact amount was fixed by law or because the power of fixation was conferred upon other officers than the appropriating body of the city. Many of the measures in question dealt with the salaries of clerks, stenographers and messengers. Of the total allowance in the same year for personal services (salaries, etc.) of $5,809,481.75, 78 per cent. or $4,576,985.75 was beyond local control. While by far the greater proportion of these sums were just and necessary, the margin of waste which represented one hun-

dred per cent. politics, was, without a doubt, exceedingly large.

Nor have the legislatures been led to take this course for reasons of public economy. In thus appropriating other people's money according to its professedly superior knowledge of the state's needs, it does not often appear to give heed to standards of experience or of service rendered. Often it is but the old story of the influences back of the bill with this title: "An Act, providing for the appointment by the sheriff of —— County, of an undersheriff, fireman and court officers, and for their compensation and duties." When the truth came out it appeared that the sheriff and the board of supervisors were of opposite parties. The sheriff (whether rightly or wrongly) was not to be put aside. He simply appealed over the heads of his "superiors" to a higher authority for what he wanted—and got it. The people had elected a Board of Supervisors, to manage the county finances, but at the moment when this body might have effected a just economy, it was forcibly stripped of their powers.

Theoretically the legislature in the case cited intervened, but what probably happened was that someone saw the representative in the legislature from the county in question and he "fixed" it with the proper committee. The speaker let the bill go through on the floor of the legislature.

From the standpoint of the local politician or petty officeholder who is looking for special

privilege, via the back-door method, and of the home legislator who does the "fixing," special legislation is thus doubtless a benevolent privilege which enables men to put various local people in their debt for future purposes. For the "organization" of the dominant party, the power to give to or withhold from the local municipalities is often not the least important element of its power.

As for the county, for its sins of nullification it would seem to be appropriately penalized, particularly if it belongs in the metropolitan class. It has been placed under a sort of patriarchal discipline, robbed of much of its individuality and initiative; its responsible officers subjected to humiliation from subordinates; its resources diverted to partisan uses.

CHAPTER XIII

STATE GUIDANCE

At this point the indictment of the county ceases. It is not an altogether hopeless situation. The very thoroughness of the county's failure is the chief promise of ultimate redemption.

Not because the county is constructed on an unsound political theory, not because it has shocked the sense of humanity, but because of its riotous misuse of public funds, it has begun to attract the attention of higher authorities.

Where does the county's money go? It has been strongly intimated in previous chapters that the citizens of the county and sometimes even the county officers know little and care less. Is it economically run? No one can easily tell, without knowing what other county governments are costing, service for service and unit for unit. And no one can make such a comparison between counties unless they have some common basis of understanding. To establish standards in the use of terms, to make in other words, each county tell its financial story in a language understood throughout the state, to bring the information

from the various counties together for comparison, to insist upon a sufficiently detailed description of financial activities, is the object of uniform reporting.

And who can force such a coming together for a common understanding other than the state itself?

Among the states where county government is of appreciable importance, Ohio was the pioneer in the direction indicated by this suggestion. The law enacted in that state in 1902 approached the county problem with the conviction that what was needed above all else was more light—in an administrative sense; that when the shortcomings of county government could be reduced to statistics and comparisons (invidious if necessary) could be made between various units, then some real improvements might be reasonably expected. Provision was made in the enactment for a state Bureau of Inspection and Supervision of Public Offices which should install a uniform system of public accounting, auditing and reporting in every office in the state. A corps of field agents known as state examiners were employed on a civil service basis to make personal examinations in each of the taxing districts. The findings of the examiners are published, and if money is due the county the enforcement of the law is left first to the county prosecuting attorney and then to the attorney general.

New York followed the lead of Ohio by passing in 1905 a law which requires counties, villages

and cities, to report annually to the comptroller on forms prescribed by him.

"Indiana and Ohio," says Professor John A. Boyle,[1] "has gone into the science and art of uniform accounting very seriously and very effectively. The Indiana law (1909, ch. 55, amended March 3, 1911), creates a Department of Inspection and Supervision of Public Offices having jurisdiction over every public office in the state. The administration of the law was entrusted at the outset to one state examiner, two deputies, one clerk, and fifty-two field agents working on a civil service basis. Uniform accounting is prescribed and installed. Comparative statistics are compiled by the state examiner and published annually, so that the fruits of this department are available to the public."

Wyoming has a fair system of audit.

The North Dakota law, while it requires the state examiner "to prescribe and enforce correct methods," does not call for a uniform system. Massachusetts, Kansas, Georgia, Iowa, Nevada, Florida, Tennessee, New Mexico, Arizona, Colorado, Oklahoma, Washington, Minnesota, West Virginia, Louisiana, California and Michigan have more or less complete systems of state financial supervision. The "black sheep" among the states in this respect are Alabama, Arkansas, Delaware, Illinois, Kentucky, Maine, Maryland, Mississippi, Missouri, New Hampshire, North

[1] See *Annals of the American Academy of Political and Social Science*, May 1913. pp. 199–213.

Carolina, Rhode Island, South Carolina, Texas, Utah, Vermont and Virginia.

Now for the results of this supervision.

Professor Boyle has summed up the sort of assistance that the state bureaus of accounting have been able to give. One instance of such help is that where county officers had been accustomed in the past to take long and expensive junkets to inspect public buildings, expert advice under the new system has been rendered to them in much cheaper form through the investigators of the state. Examiners have also been able to point out to county officers many deviations from the letter of the law, the strict compliance with which is of the most vital importance in the performance of certain county functions, such as taxation. In a similar way they have checked up illegal charges against the county, inadequate audit (or no audit at all), instances of additional compensation (under various guises) for personal service, illegal temporary loans and misapplication of funds.

It will at once be seen that the mere possibility of a state examiner's visit will have an admonitory effect which in itself will often be sufficient to keep an official in the straight and narrow path. The county, in conforming to the reporting requirements, derives a local benefit wholly apart from any obligation to the state. Upon the basis of a sound and permanent system of accounting the local officers are in a position accurately to inform the county of their doings and make com-

parison of a financial transaction of one year with those of previous years. Herein is one foundation stone of a scientific budget.

Under a complete system of state regulation not only are the forms and standards of uniform accounting established, but a staff of expert examiners is created to determine by periodical investigation, whether or not these standards are lived up to.

The remarkable conditions preceding the establishment of the Ohio Bureau and the important services which it has rendered the state, are revealed in the following summary[1] of its findings in counties during the first ten years of its existence.

STATEMENT OF FINDINGS TO NOVEMBER 15, 1912

COUNTIES

Year	*Findings for Recovery*	*Illegal Payments*	*Unclaimed Moneys*	*Total Illegal*	*Returns*
1903	$50,268.93	$18,808.91	$807.92	$69,884.76	$10,741.93
1904	57,805.54	2,504.41	10,339.95	70,649.90	2,222.31
1905	246,280.58	7,421.87	25,389.52	279,091.97	24,847.83
1906	295,082.80	14,227.52	5,218.21	314,528.53	232,156.78
1907	646,397.50	115,906.91	18,049.13	780,353.54	322,911.08
1908	103,764.26	43,333.31	9,829.15	156,928.92	41,171.53
1909	410,282.51	320,137.17	23,219.42	753,639.10	66,219.91
1910	146,024.04	106,410.00	22,241.18	274,675.22	24,438.36
1911	233,547.24	129,007.02	7,921.90	370,476.16	37,735.34
1912	112,926.80	No report	118.26	113,045.06	96,015.16
Ttls	$2,302,379.30	$757,759.32	$123,134.54	$3,183,273.16	$858,460.23

[1] Prof. John H. Boyle, *op. cit.*, p. 203.

TAX ADMINISTRATION

A branch of local fiscal administration which is in far less satisfactory shape is that of taxation. In no department is "nullification," as has been already shown, more constant and serious. The situation is complicated. In seventeen of the states, including every one north of the Ohio and Potomac rivers, and east of the Mississippi, except Illinois, Indiana and Maryland, the county as a whole has very little to do with assessments for the general property tax, the unit for assessment in that section being the town or township. That in nearly all these states the general property tax may be said to have broken down, would seem to be indicated by the establishment of a permanent state tax commission or commissioner in all of them except Pennsylvania. In thirty-one states in the South and West, the county is the unit of assessment, and in its favor it may be said that in this rôle it has proven a far more satisfactory performer than the town. The county is small enough to serve as a convenient unit for assessment operations and assessment records and furnishes the basis of a system of fewer units than if the town were the basis. Under the county plan, moreover, there are fewer opportunities for communities to compete against each other in their effort to escape their just share of the general burden of government. It is significant that most of the western states have seen the advan-

tages of the county as the local unit of administration.

But the county, for all that, appears to be incapable of standing on its own feet in tax matters. Even under the most favorable circumstances there remains an important duty for a state commission to supervise the work of the county assessor or board of assessors to the end that the letter of the law may be obeyed with the utmost uniformity throughout the state. Such a commission must see that the county does injustice to neither individuals nor the state through inequal assessment and that the tax sales are in accordance with the law.

The county, in short, has a useful place in the general scheme of tax administration, but it must be a *supervised* unit.

CIVIL SERVICE

In the administration of the civil service law the county also does well to lean upon the state. The same considerations that apply in accounting and tax matters apply with equal force in the selection of the employees. Most of the counties are too small to serve as units in which to install facilities for conducting examinations and publishing useful records. The superior powers of the state commission over the localities in these respects are emphatically not a destructive check upon the county's officers. They do not detract from local responsibility. They simply enable

them to apply to their work the most effective means available.

In New York the state civil service commission regulates the service in eighteen counties. In New Jersey the adoption of the civil service law involving state control rests with the people of each county. Hudson, Essex, Mercer, Passaic and Union counties have taken advantage of the law.

Administration apart from fiscal supervision in other departments, such as charities, prisons and public health, has advanced much more slowly than reform in the fields which have been mentioned. But every indication for the future is toward greater control through accounting and supervision. The county acts locally in the enforcement of state obligations. The real trouble comes when one undertakes, arbitrarily, to place any given county activity in the local or state category. The catching of a thief, for example, is a very essential part of the state's most fundamental duty to protect property, but the locality where the crime is committed is very keenly interested in having the machinery of the county set to work to punish the deed. The locality pays the sheriff his salary or his fees, but the state, in protecting the property of its citizens, is probably justified in guarding against extravagant or dishonest use by the people of the county even of their own money.

And so it is impracticable and not by any means necessary to give the county quite unbridled

liberty to control all its officers. Central supervision is a middle course that protects the state and instead of impairing, really conserves the county's interests. The state, without instructing the county as to *what* it may do with its purely local powers, may lay a firm hand upon it in telling *how* to use those powers effectively. Such a course is conceived in quite a different spirit from the destructive sort of state meddling which was described in the preceding chapter, which proceeds from the legislative branch of the central government. What the state government actually does when it regulates or supervises is to hold up the county official to standards of performance. This is the proper work of officers or boards in the administrative branch. It relates not to *what* the county shall do as a matter of broad policy, but *how* the county shall redeem its obligation in matters of routine, detail and technique. The state agency may have only the power to "visit and inspect," like the New York State Board of Charities, or it may, like the Comptroller of the same state, actually impose forms of procedure. In either case, local officers otherwise unstimulated to efficient work, as they must be under the present system of government, are thus given moral support from a responsible quarter. They are subjected to a cold, unescapable comparison with other officers in other localities and they are given the benefit of expert advice on many obscure and complex phases of public administration.

CHAPTER XIV

READJUSTMENTS

So much by way of accepting counties as they are. "State guidance" goes a long way as a palliative of unsatisfactory conditions. It is a sort of permanent first aid to the injured.

But the county needs surgical treatment! In some cases it is well to *fix* responsibility. In extremities it becomes necessary to *amputate.*

Bear in mind, to begin with, the fact that the county at bottom is really a piece of the state, a local agency. The prevailing practice of local election of officers and its logical sequence, local nullification, have done much to obscure the real interests of the state at the county court house, till the average run of citizens have long forgotten that the distinction exists; that officers like the sheriff, district attorney, public administrator and coroner are not strictly local officers at all but subordinates of the general state government.

By far the most important branch of general administration with which county officers serve is the judiciary. Counties, except in a few states, are the units for selection of judges having original

jurisdiction in both civil and criminal cases which involve moderate amounts of money and less than the most serious offenses. With the county court also is generally associated probate jurisdiction, which is exercised in some of the eastern states by a special officer known as the surrogate, who may be a judge as in New York, or a purely ministerial officer, as in New Jersey.

Legally the judiciary is more nearly a part of a state system than any other branch of the county organization. The decisions of the judges are of course subject to appeal to a higher state court—that is an important form of control. Sometimes, as in California, a part of the salary of the county judge is paid from state funds. Probably too the greater popular respect that hedges about the bench is sufficient to set it apart from much of the sinister influence that often affects the other officers of the county. Nevertheless, the county court in common with other divisions of the judiciary, is subject to a wide variety of disintegrating forces. It has a variegated allegiance: to the people (in most of the states) for its original selection, to the county governing body for many incidental items of financial support, and to higher judicial authority for confirmation or revision of its decisions. It does not control its executive agents, such as the sheriff and the county clerk, who are usually independent elective officers.

The readjustment of this situation can hardly

be effected satisfactorily apart from a complete reorganization of the state's judicial system. This will undoubtedly involve, among other things, a much more complete central control on the part of a state chief justice and a judicial council. The courts must be organized with a keener appreciation that a judge in rendering just and learned decisions is a part of a business machine—he is waiting on customers; that there is no sound reason why the judicial department should defy the principle of responsibility any more than a department which serves the public in another way.

In the general overhauling of the systems, perhaps the elective county judge will disappear. But liberty, for all that, will not vanish from the earth. States as diverse in their location and composition as New Hampshire, Connecticut, New Jersey and South Carolina never drifted quite completely into the habit of "electing everybody," and they are good states. The Federal judiciary, too, is appointive, and it is not more culpable, by standards of either the progressiveness or of administrative efficiency, than most of the state courts.

The earthquake, we may hope, will also shake up the justices of the peace, who in any self-respecting organization of the courts will either disappear or be linked up, as the American Judicature Society proposes, in a county system, with the county judge in control. The justices are now associated with the town or a corresponding

division of the county and deal with very minor (but not for that reason insignificant) civil and criminal cases, or act as a tribunal for preliminary hearings and commitments. In cities the office has steadily and hopelessly decayed by transfer of its jurisdiction to other courts and through the abuses of the fee system. It was established moreover when means of transportation were few and difficult and districts consequently had to be made small in order to meet the convenience of the litigants who came seeking justice. But times have changed! Circumstances favor larger districts and infinitely better control over this branch of the judiciary.

In making over the courts we cannot properly overlook the machinery for enforcing judicial decisions. This is the function of the sheriff. Where, in the reconstructed scheme of things shall he come in? Our forefathers committed themselves to the theory of the separation of powers, these three: the legislative, the executive and the judicial. Under this scheme of things the duty of judges is to find or interpret the law: nothing more. The sheriff as an executive officer is therefore always independent of the court: he is the enforcer of state laws which come to him in the form of very specific instructions by way of court decisions. Such instructions are issued in the interest of parties to a legal controversy.

But the sheriff is not the only law enforcer in the county. The state has made the board of super-

visors (or board of commissioners) and county officers its agents in enforcing various state laws. And so the question arises: why not bring all the enforcing agencies under a single control? Two ways suggest themselves. If the judicial system is to be a unified state affair, then judicial-decision enforcing should also be a state concern and the county should keep its hands off. In practice this would mean that the governor or some other general state officer should appoint the sheriffs on the same principle which is employed in the federal government, wherein the President appoints U. S. marshals. But, if on the other hand, the county government is to be considered as a general local agency of the state for enforcing all its laws, then nothing remains but to put it up to the local governing body or some local chief executive to select the sheriff. Such is the method which has been applied in the city and county of Denver, Colorado, where the mayor is the chief executive of the consolidated governments.

And what of the coroner? Every authority worthy of credence is agreed that this office, above all others in the county, has long outlived its usefulness. That one small head should contain the necessary skill of criminal investigator, medical expert and magistrate is far too much to expect of any ordinary mortal. A few states, following Massachusetts, which abolished the coronership in 1877, have created an office under various titles, such as "medical examiner," "county physician"

(New Jersey), "medical referee" (New Hampshire), etc. They have modernized the coronership by stripping it of its magisterial powers and taking it off the ballot. In most cases the new medical officer is an expert pathologist and his services are often of the greatest value in criminal and civil actions and to the cause of science. In New York City the coroners now in office in the five boroughs will go out of office on January 1, 1918, their powers of investigation will then be transferred to a chief medical examiner appointed by the mayor, and a corps of assistants who will be equipped with ample laboratory facilities. The judicial duties of the coroner will be turned over to the city magistrates.

As for the district attorney,[1] his proper relations to a criminal trial and to the public seem to be generally misunderstood. He is the state's advocate as against the breaker of the law. But it is no part of his business to send every alleged offender to the penitentiary. The efficiency of the prosecutor is not to be determined by a high record of convictions. He is not, properly, a man-hunter. Nor is it his province to decide when he shall bear down hard upon offenders and when he shall soften justice. His functions, in short, are administrative and not political. And when that fact is admitted every reason why he should be popularly elected falls. In the ideal county,

[1] Variously designated in different states as state's attorney, prosecutor of the pleas, county attorney and solicitor.

efficiency in the administration of justice will not be a perennial local campaign issue, for the prosecutor will be appointed by some responsible state authority, such as the governor or attorney general, not as a reward for political services but on the basis of merit and fitness. Or if, perchance, it shall be deemed unwise so to centralize authority, it would at least be logical to let the county authorities do the appointing.

There remains to be disposed of the clerk of court.[1] His relation to the bench is rather a closer one than that of the sheriff, so close that in some jurisdictions it has not been thought a violation of the theory of the separation of powers to allow the judge or the whole court to appoint him. Such indeed would seem the proper course. But in many counties the business of court-clerking is hardly onerous enough to engage a separate officer and the duties have accordingly been transferred to the county clerk. This officer usually performs a variety of functions, among which are his services as clerk of the county board and as the local custodian or register of legal papers required to be filed under certain state laws. In counties where this "bunching" of functions has to be resorted to, the least that should be done by way of readjustment should be to help along the unification of the county government by vesting the appointment of the county clerk in the county board or a county

[1] In Pennsylvania known as the "prothonotary."

executive to be established. In the larger counties where the volume of county business warrants a separation of functions, there seems to be no sound reason why such duties as the filing of papers should not be in the hands of an officer appointed by some state official, to represent him in the locality. In this way certain counties at least would be completely divested of responsibilities of which they appear never to have acquitted themselves too well. The county's ultimate place in the sun is being determined by a stripping process: the state is taking up its work.

Thus in the domain of charities. We pointed out in Chapter IX that the county was hopelessly deficient in caring for the insane, the defectives and the criminals. Modern methods, which are humane methods, have come to demand strict classification as the very starting point for treatment. But unless the number of subjects for treatment is reasonably large, the expense of such classification is prohibitive. Most counties cannot supply the numbers. They find themselves in the predicament of a rural sheriff who has in custody an average of perhaps six prisoners. If his county were to obey the law it would have ready at all times an establishment which provided special accommodations for almost forty different classes of inmates.

Under these circumstances the only course is to transfer as many classes of prisoners as possible to the care of a larger unit of government that is

able economically to segregate. This transfer actually began in some of the older states in the eighteenth century. Massachusetts led the movement by erecting a special prison on Castle Island for the most desperate type of convicts. In 1796, New York began the construction of two state prisons in New York and Albany. In 1816, Ohio built a state penitentiary at Columbus and in 1839, Michigan completed its first state prison at Jackson. Reform institutions in this country began to be established in Massachusetts in 1846 when juvenile offenders were removed from local jails and state prisons. Since then separate institutions for boys and girls have been established in nearly all of the eastern states. New York in 1877 erected the first reformatory to which adult convicts could be committed under an indeterminate sentence.

As for the care of the insane, this was the first department of public welfare administration that was taken over by the whole state, beginning with the establishment of the first hospital in Utica, New York, in 1843. From time to time other states have followed New York's example until nearly every state has one or more hospitals. With the increase in the number of institutions in a given state further segregation and classification of inmates has been possible. State institutions now furnish the means for appropriate education for the mentally defective who formerly were left to shift for themselves in mismanaged

county almshouses. The deaf, dumb and blind have been taken care of in similar fashion. Indeed, the function of county poor relief would now seem to approach as its ideal, the complete transfer to the state of all charity functions except possibly a certain amount of temporary "out-door" relief. But even this rather narrow field has been invaded, for, in New England and New York, at least, a class of "state poor" is known to the statutes.

That the county has often sadly broken down in the guardianship of life and property is a fact which has come into prominence within very recent years. As the police force of the big cities become more and more efficient the field of operation for criminals is transferred to the suburbs, to the small towns and villages and to the open country and the police problem in the rural sections takes on a semi-metropolitan aspect. Good roads, the automobile and the telephone have facilitated the business of thugs and burglars as well as of honest citizens. Said the district attorney of Niagara County, New York, recently, "Nearly every post office safe in Western New York has been robbed, and I do not now recall anybody having been convicted for these crimes. The ordinary constable or deputy sheriff can serve subpœnas and make a levy under an execution providing he is feeling well, but as a general rule he is incapable of coping with even a third-class criminal." Numerous other equally forcible offi-

cial statements of the same tenor have been collected by the New York Committee on State Police.

To cope with these crimes of violence and cunning the untrained, politically selected sheriff of the typical rural county is but sadly equipped. He is a temporary elected official to begin with, unschooled in the ways of criminals and unfamiliar with any of the vast paraphernalia of investigation that go to make up a modern police system. Certain parts of the country moreover have peculiar periodical disturbances on a larger scale than criminals operate—riots, lynching parties, flood disasters, strikes. These occasions demand the temporary mobilizing of a comparatively large, well-organized and disciplined force to handle the situation with firmness and fairness. It is no place for the crude old-fashioned sheriff's posse.

At the present time it is the frequent practice on such occasions to call out the state militia. But while this organization has often doubtless rendered effective service, police duty is not its proper occupation. Every year enlistments fall far below the adequate figure because young men in business and professional life deem it obnoxious to leave their appointed tasks to do a professional policeman's work. In the discussion of "preparedness" measures it has frequently been proposed that the militia be enlisted solely for national defense and that a special fighting force be developed for state police duty. If such a

force were organized on a permanent basis it would practically relieve the sheriff and the constables from police duty.

A model for such a force is found in the Pennsylvania State Constabulary, which has been in existence since 1902. This is an organization of two hundred and twenty mounted policemen formed into four companies under a superintendent of police. Every year it patrols 660,000 miles of rural roads and not only keeps the rural sections singularly free from criminals but has performed numerous other distinctive services. It has prevented disastrous fires and mine explosions, quelled riots, stopped illegal hunting and maintained quarantine during epidemics of disease. It was this constabulary that handled the tremendous crowds at the Gettysburg Centennial in 1913. The force is made up of picked men who are taught the laws of the commonwealth and schooled to enforce them with absolute impartiality against offenders of all classes. It has been free from politics and has won the respect of all classes of the people.

In the domain of highways[1] the county, under the pressure of the good-roads movement, has been rapidly yielding its control to the central government. The good-roads problem simply

[1] This discussion of highway matters is based principally upon a monograph by J. E. Pennybacker, Chief of Road Economics, Office of Public Roads, Department of Agriculture. Y. B. Separate, 1914.

outgrew the county. It could not be handled efficiently through so small a unit. In the course of railway development everywhere the old lines of tributary traffic by wagon road from the farms to the shipping centers were greatly modified. Their objective point came to have no particular reference to the boundaries of the county or the location of the county seat. Traffic from one county destroyed the roads of another without supplying any compensatory advantages to the latter. Modern road construction, particularly since the advent of the automobile, created technical engineering problems far beyond the capacity of the local officials to solve. Without the aid of better equipped agencies than a unit so small as the county could afford most of the rural roads of the county must have gone to rack and ruin, to say nothing of their meeting the demands of present day traffic. But forty-two state governments, up to 1915, had come to the rescue, either by supplying financial aid, authorizing the employment of convict labor or by furnishing expert advice founded upon scientific research. Up to the year 1914 only Florida, Indiana, Mississippi, South Carolina, Tennessee and Texas had made no provision whatever for state participation in road work.

But the significant point to be noted here is the strong tendency to take entirely out of the hands of the county the whole burden, financial and otherwise, of the great trunk lines and in many

cases to impofe standards and specifications for construction even where the county does its own road building. Thus, Massachusetts, up to January 1, 1914, had completed more than one thousand miles of state highway through the issuance of state bonds and the levying of automobile taxes, the counties being required to refund the state twenty-five per cent. of the cost of construction. New York established a highway department in 1898 and has authorized bond issues of $100,000,000 for a state system of roads which has already reached an advanced stage of construction. Virginia, Ohio, Maryland and California have made much progress toward a state road system, the California plan calling for two main highways running the length of the state and a system of laterals connecting the county seats with the trunk lines. The state of Iowa has gone so far as to place all road work in the state under the direction of its highway department.

And so, the dominion of the county is being invaded at sundry points. The unification of the judiciary (which it must be admitted has not yet progressed very far), the gradual transfer of the charity and correctional work to the state government, the establishment of a state police and the more imminent abridgment of county control over highways—these movements unmistakably and definitely seem to point the ultimate displacement of the county as an important agent of public service in particular fields.

But that is but one side of the story. For while, on the one hand, the importance of the county is threatened in particular fields there seems to be before it in other directions a career of greater usefulness than ever before. This present observation, however, applies only to those states where the town or township has come in for particular emphasis, or where, as will be suggested later in the discussion, the principle of federation may be adopted by a number of contiguous municipalities as a step toward consolidation of local governments.

In a number of states where the New England influence has been strong the town is frequently the unit (though not always exclusively) for the custodianship of certain records such as deeds and mortgages, for public health administration, for commitment of paupers, for road construction and maintenance or for tax assessment and collection.

The relation of the county to the town in these concerns is analogous to that of the state to county in such matters as the care of the insane and the control of trunk-line highways. It is a question of finding a unit large enough (and not too large) to fit the problem in hand. Public health, for example, is largely a matter of controlling sources of disease in milk and water supply, which under modern methods of living are usually much more widely distributed than the area which is served. Effective control in that case would simply mean

control through a unit larger than the town, to wit: the county, unless control on a still wider scale should prove feasible. Similarly in the matter of police protection: the town constable is an anachronism in these days of rapid transit. The county is a more appropriate police unit than the town. Town custodianship of records means duplication, lack of standards and waste. Town commitment of paupers to the county almshouse or poor farm is a temptation on the part of the smaller locality to shift its burdens on to the shoulders of the whole county.

When it comes to highway construction, the high technical skill which needs to go into the work is a commodity which comes too high for a town and even, as we have pointed out, for the county.

But the most serious misfits of town government are the local agents of tax administration. Wherever the town is the smallest tax unit not only is the number of officials needlessly multiplied, but diverse standards of property valuation are set up and competition is resorted to between towns with a view to escaping their just share of taxation. Without a dissenting voice the recognized tax experts of the county are firmly of the opinion that the town as a unit of tax assessment and tax collection must give way to the county.

And so, the readjustments that are working out the ultimate destiny of the county are not wholly of a negative sort. It is not all a matter of trimming the county's wings.

CHAPTER XV

COUNTY HOME RULE

SOME counties indeed are awakening to a sense of their identity and are asserting with much vigor their ability to organize and manage many concerns which have been conspicuously mishandled either by the state authorities or by the smaller local units.

Nowhere has the need for "readjustment" to meet this demand been more keenly appreciated than in California. Elsewhere in these chapters we have referred to the great diversity in the underlying social and physical conditions in that state. To meet this situation fifty-six "general" laws (that were not general at all) had been enacted, for as many counties. No other method of individualizing county government had been resorted to until 1911. At that time the progressive leaders in the legislature wished to bring government, all down the line, into sympathy with standards of simplicity and efficiency that were then beginning to be accepted. For a time county government seemed to present an insuperable obstacle: how could a state system be devised

that would square with these new ideas? Then it was remembered that for upwards of thirty years the *cities* of California had been determining for themselves what municipal officers should be chosen, how they should be chosen and what powers they should exercise. California was a pioneer in municipal home rule and the system had worked pretty much to everybody's satisfaction.

Inasmuch, however, as counties have much more intimate relations with the state government it seemed impracticable to allow them quite so large discretion as the cities, in determining the powers they should enjoy. And so, the California amendment gives the people of the county freedom to determine the form and detail of the county organization, subject to the proviso that each of the necessary county officers such as sheriff, district attorney, etc., must be maintained to execute the state law within the county. Members of the county board of supervisors must be elected, but not necessarily by districts. All other county officers, except the superior court judges, may be either elective or appointive in a manner set forth in a county charter.

The procedure by which California counties may take advantage of the home-rule privilege is as follows: A board of fifteen freeholders is elected, either in pursuance of an ordinance adopted by three fifths of the members of the board of supervisors, or of a petition signed by

fifteen per centum of the qualified electors of the county, computed upon the total number of votes cast therein for all candidates for governor at the last preceding gubernatorial election. Within one hundred and twenty days from the time their election is declared the board of freeholders must prepare and cause to be published a charter for the government of the county. Within sixty days after its first publication (unless a general election intervenes) the charter is submitted to the voters of the county for adoption or rejection. It is then submitted to the legislature at its next session for approval or rejection but not for amendment. But since a California legislature in thirty-seven years has never been known to reject a charter or a charter amendment of a city, the outlook for a policy of county non-interference would seem to be good.

It may be, however, that the California plan is too radical a change for states which have not yet granted freedom to their cities. A less sweeping way of affording relief from iron-clad forms of government is found in the statutes of Illinois, New Jersey and other states, through which it is possible for any county to pass from one prescribed form to another by petition and popular election. Similar laws are in operation in a number of states permitting cities to adopt the commission plan, and in four states the cities may make a choice between three or four forms under an optional law.

Following the passage of such a city law in New York, the County Government Association and the official commissions on the reorganization of government in Nassau and Westchester counties memorialized the constitutional convention of 1915 for amendments which would authorize the counties to adopt a plan of organization suited to their local needs. These associations formulated the question of county adjustment for "upstate" New York counties in these words:

> First: That the Legislature should be required by the Constitution to provide optional plans of county government, any one of which any county may adopt by a vote of the people.
>
> Second: That the Legislature should in such plans confer upon the Board of Supervisors or other governing body in such county such powers of local legislation as the Legislature may deem expedient.
>
> Third: That the Constitution should require that no such plan of government should be imposed on any county until approved by the electors thereof and that no amendment to any plan of government should affect any county which has previously adopted such plan, unless such amendment is accepted by such county, or unless such amendment relates to some state function.
>
> Fourth: That the Constitution should require that all laws relating to the government of counties should be general both in terms and in effect, except that special or local laws relating to such government may be passed, but shall take effect only on approval of the county affected.

The California amendment has been put to use in the four counties of Los Angeles, San Bernardino, Tehama, and Butte, all of which have their special "home-rule" charters. Its early use is contemplated in Alameda, Napa and Santa Barbara counties. Since 1911 the scope of the amendment has been broadened so as to permit of considerable latitude in the consolidation of city and county governments.

Such is the counter-movement to centralized state control. In no wise are the two in the least inconsistent, for the latter tendency is to limit the subjects in which the county acts in the capacity of a local state agent while the former concerns itself simply with *methods* of performing service under local popular control.

The home-rule movement, if it may so be indicated, is practical evidence that people are regarding counties as something more than mere geographical expressions. Counties are *thinking* units. They are capable of framing local policies. Therefore they would extend their opportunities to think and to express themselves.

This idea seems to be at the bottom of the local option policy of the organized anti-liquor forces throughout a great portion of the country. Shrewd tactics, of course, has a good deal to do with it, for county and other forms of local option are but the thin side of a wedge to state-wide and even nation-wide prohibition. But for the present at least, organizations like the Anti-Saloon League

realize that counties are very handy and convenient units of public sentiment and have been instrumental in securing county option laws in many states, including Idaho, Alabama, Kentucky, Louisiana, Michigan, Minnesota, Montana, Oregon, Texas. Incidentally, the county option plan makes the public policy district in liquor matters coincide with districts for enforcement, thus minimizing the danger of nullification.

CHAPTER XVI

CONSOLIDATION

THE battle cry of local freedom comes up loudest from urban centers. The simple reason is that the counties were devised originally for communities in a state of nature—a few people, widely scattered, all but oblivious to the existence or need of government. City communities on the other hand are highly complex, individualized, differentiated units. Accordingly, their governmental garments must be custom-made.

City governments indeed were instituted partly to escape the strait-jacket inflexibility of the counties. Gradually, as we have seen, they elbowed the county governments into a dark corner, to the infinite debasement of the sheriff, the coroner, the poor master and the tax collector and other typical accessories of the county.

But almost everywhere, at some point short of full county annihilation, the pressure of the city stopped. Perhaps it was the politicians who intervened, to save "the boys" at the court house; or perhaps it was the feeling that seems to have settled down upon our political thinking, that counties, like death and taxes, have to be.

Within very recent years, bold spirits in some of the metropolitan centers have begun to feel that the county, in their particular communities, was a public nuisance and have been "going" for it. Thus the New York *Times*, when the New York Constitutional Convention was in session in 1915, delivered not a few strokes for a proposition to abolish existing boundaries of the sixty-one counties and substitute therefor eight administrative districts. Cleveland, Ohio, reformers would like to have that city divorce itself from the rural part of Cuyahoga County. In Rochester, a recent survey has suggested a similar course with reference to Monroe County. Studies have also been made recently (1916) by the City Club of Milwaukee. A member of the city commission in Jersey City has recently caused to be passed in the legislature a bill providing for a vote on consolidation of municipalities in Hudson County on a sort of borough plan. In Cincinnati the question of consolidation of the city with Hamilton County was recently opened, apparently for the first time, in newspaper discussions. In the 1916 New York legislature there was under discussion a bill extending control of the board of estimate and apportionment in New York City over the employees of the five counties within the city. This was in line with a recent report by the chamberlain and the commissioner of accounts of New York City submitted to the Constitutional Convention, which pointed out the advantages of the

abolition of counties in New York City and the transfer of their functions to the control of the city authorities. St. Louis City actually accomplished the fact in 1876 when it separated from St. Louis County. Baltimore and a number of Virginia cities have long been separated (for historical rather than reformatory reasons, however,) from the surrounding rural or suburban territory.

In practice, the process of relocation of county boundary lines is very much like the reversing of a long series of court decisions. Local tradition and the gradual crystallizing of the interests of local politicians militate powerfully to maintain the *status quo*. And, yet, for all that, the shifting of boundary lines must inevitably come, if local governments are to meet their obligations.

Just where and by what criteria the new lines are to be laid is no easy question to decide; our metropolitan centers are of such various origins and in such differing degrees of development. The committee on City-County Consolidation of the National Municipal League in a preliminary report rendered in 1916 seeks to classify the urban communities in this fashion:

> "The simplest type of urban county is that in which the geographical limits of the two local units are identical and the population has grown up out of a single well-defined historical nucleus. Among other communities there would fall within this classification the cities

of Philadelphia, Denver, San Francisco and Baltimore and eighteen cities in Virginia.

"A second type is that in which a single city furnishes an overwhelming proportion of the population, but occupies a relatively small part of an otherwise rural territory. Among the cities which fall in this classification are Buffalo, Milwaukee and Cleveland.

"The third type is that in which a city of predominating size and importance is surrounded by a number of smaller but vigorous municipalities which have grown up not as suburbs of the main city, but out of independent historical beginnings. Cases in point are the two largest counties of New Jersey, Hudson and Essex.

"A fourth type is one which contains several strong municipalities, no one of which has achieved a position of undisputed leadership. Alameda County, Cal., which contains the cities of Oakland, Alameda and Berkeley will serve to illustrate.

"The most advanced type of the city-county problem involves the adjustment of the political to the physical and social unity of a great urban area, regardless of established boundaries of either cities or counties. The metropolitan districts of New York and Massachusetts are the most conspicuous illustrations of this problem."

The key to reconstruction is the same in every case: simplification. Eliminate duplication of civil divisions; substitute one government for two or many (in the case of Chicago, twenty-two!). There is a good deal of *logic* in a separate local

government to serve as a state agency. But everywhere the people have waived the right or privilege of a logical government when they have illogically insisted upon selecting their officers locally. When the district attorney, for instance, is chosen by the electors of the county he may be legally the state's representative but he is *practically* a local officer in very much the same sense as the mayor. Then why, for legal fiction's sake, distinguish between the city and the county?

One American city-county has not only seen the inefficiency and hypocrisy of the dual system but has actually wiped out the last semblance of distinction between the two divisions. The story is told in legal form in Article XX of the Colorado constitution:

> "The municipal corporation known as the city of Denver, and all municipal corporations and that part of the quasi-municipal corporation known as the County of Arapahoe, in the state of Colorado, included into the exterior boundaries of the said city of Denver, as the same shall be bounded when this amendment takes effect, are hereby consolidated and are hereby declared to be a single body politic and corporate, by the name of the city and county of Denver."

By this same amendment the city and county were declared to be a single judicial district of the state, and county officers were disposed of by prescribing that

"the then mayor, auditor, engineer, council (which shall perform the duties of a board of county commissioners), police magistrate, chief of police and boards, of the city of Denver shall become respectively, said officers of the city and county of Denver, and said engineer shall be *ex-officio* surveyor and said chief of police shall be *ex-officio* sheriff of the city and county of Denver; and the then clerk and *ex-officio* recorder, treasurer, assessor and coroner of the county of Arapahoe and the justices of the peace and constables holding office within the city of Denver, shall become, respectively, said officers of the city and county of Denver, and the district attorney shall be *ex-officio* attorney of the city and county of Denver."

In 1913 an amendment to the Denver charter, adopted by popular vote, provided for the commission form of government with the usual divisions of administration into five departments respectively of Property, Finance, Safety, Improvements and Social Welfare. To some one of these commissionerships was assigned jurisdiction over each of the several county officers, as appropriately as the conditions would permit.

The process of amalgamation was made complete when in May, 1916, Denver abandoned the commission plan and made the mayor chief executive of the county as well as of the city, with appropriate appointing power.

In New York, consolidation has extended to most of the fiscal functions, tending to leave

intact only so much of the original county structure as is incidental to the administration of justice, including the courts themselves, the sheriff in his capacity of court executive and the court clerks. The functions of the county treasurer have been transferred to the city chamberlain and the comptroller, and the department of taxes and assessments has been attached to the city organization. The separate governing bodies of the five counties have been swept away and their powers transferred to the city Board of Estimate and Apportionment and Board of Aldermen. New York City also has not only taken over the function of public charities, but its Department of Corrections has been steadily encroaching upon the prerogatives of the sheriffs. The future issue of city consolidation there is accordingly reduced to a matter of abolishing the five counties and transferring their functions to officers under city control and making the independent elective officers such as the sheriff, district attorney, clerk and register appointive by either city or state authorities.

[1] In spite of much that remains to be done, consolidation has proceeded to an advanced stage also in Boston, though hardly in a direct line towards greater simplicity. Before it became a city in 1820 a conflict had arisen as to the juris-

[1] See Hormell, O. C. "Boston's County Problems," *Annals American Academy of Political and Social Science*, May, 1913, pp. 134 *et seq.*

diction of the town, and of the court of sessions for Suffolk County, respecting highways and taxation. The legislature thereupon abolished the court and transferred its administrative functions to the mayor and council of Boston. Boston, however, is not geographically identical with Suffolk County, since the latter for the purposes of the administration of justice, includes the city of Chelsea and the towns of Revere and Winthrop. Boston has the title to all the real and personal property of Suffolk County but also pays the entire expense of its administration. The treasurer and auditor of accounts of the city act in similar capacities for the county of Suffolk. But there are seven elective county officials and several, virtually independent of each other, who are chosen by the governor or the justice of the Superior Court.

This situation as to the actual political Boston is confusing enough. Metropolitan Boston on the other hand, comprises thirty-nine municipalities situated in five counties, which make up a compact community of a million five hundred thousand inhabitants. These centers have every facility for communication and transportation. And the state has indeed recognized the unity of the district by establishing such agencies of administration as the metropolitan park commission and the metropolitan water and sewer board.

San Francisco has proceeded so far as to have a

single governing body and a single set of fiscal officers for city and county.

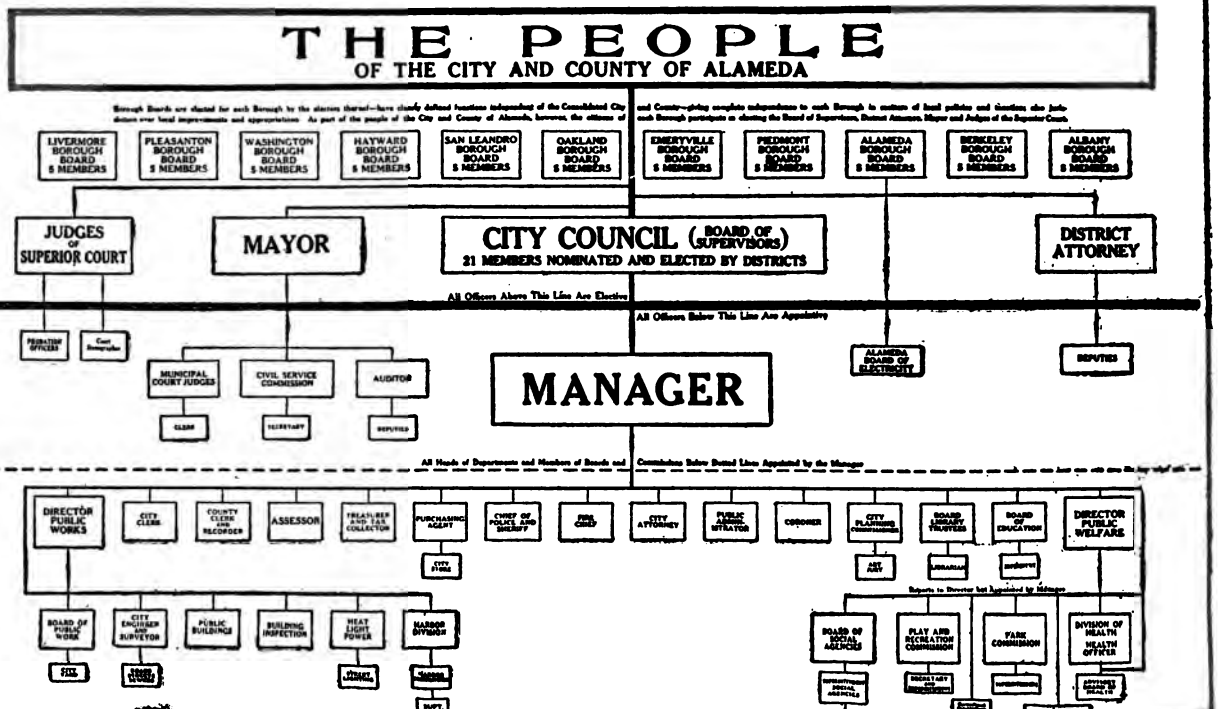
With this, the recital of actual accomplishments toward formal consolidation is about complete. The advantages of consolidation as they appear to a disinterested observer are obvious. But the process is usually difficult in the extreme, especially as it relates to the equitable distribution of assets and liabilities of the parts to be consolidated. New York City only accomplished this by assuming the debts of the outlying counties and municipalities. But in the course of nineteen years not even that generous concession has sufficed to the vigorous local spirit of Brooklyn, the Bronx, Queens and Richmond.

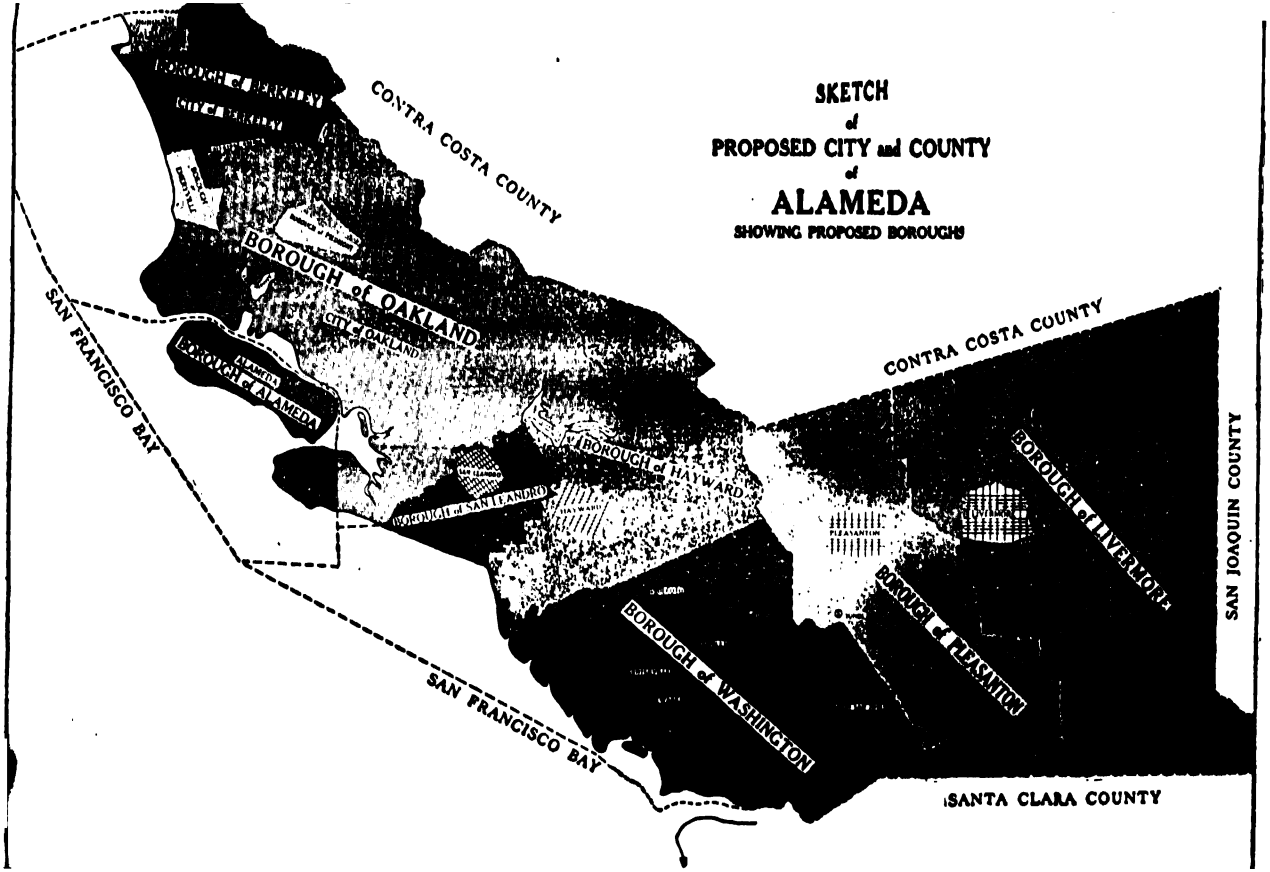
FEDERATION

Where immediate consolidation at a single stroke is out of the question, as is apparently almost always the case, a more easy transition is suggested by the recommendations of the City and County Government Association of Alameda County, California. Realizing that a powerful local sentiment in the outlying territory militated irresistibly against annexation to the city of Oakland or, in fact, any form of complete organic union of the municipalities in the county, this Association has proposed as the logical first step to a more economically organized county, a plan of federation.

ORGANIZATION CHART

For the City and County of Alameda and its Boroughs as Proposed in the Tentative Charter Submitted by the City and County Government Association




SKETCH
of
PROPOSED CITY and COUNTY
of
ALAMEDA
SHOWING PROPOSED BOROUGHS
CONTRA COSTA COUNTY
BOROUGH of OAKLAND
CITY of OAKLAND
ALAMEDA
BOROUGH of ALAMEDA
SAN FRANCISCO BAY
BOROUGH of HAYWARD
BOROUGH of SAN LEANDRO
BOROUGH of WASHINGTON
SAN FRANCISCO BAY
CONTRA COSTA COUNTY
BOROUGH of LIVERMORE
PLEASANTON
BOROUGH of PLEASANTON
SAN JOAQUIN COUNTY
SANTA CLARA COUNTY

Under the proposed plan the governing body would consist of one councillor from each of twenty-one districts. Unlike the present board of supervisors in Alameda County, the new body would have only legislative functions. The functions of the county, as a public corporation, would be broadened to include a number of interests which the municipalities are conceived to have in common. Police protection, for instance, would revert from the cities back to the county, where it was originally lodged, on the theory that crime thrives in a certain social and physical environment and knows nothing and cares less for corporate limits. And inasmuch also as the ravages of fire and disease are the interests of a territory rather than the corporate boundaries of a city, the control of these perils would also be transferred to the county. The installation of the plan would also result in the abolishment of the dual system of tax assessment and tax collection. To the smaller units would be left jurisdiction over their more distinctively local affairs such as public works. The identity of the individual cities, which would be known as "boroughs," would thus remain intact, for they would retain their local governing bodies to frame strictly local policies. At the same time the general organization of the local government would provide for the common interests of the constituent members.

Some such plan of federation, as a transition step toward unity, would seem to commend itself

to several important counties which are made up of communities like those which compose Alameda County. How these communities in the face of increased cost of government and the greater demands for public service are much longer to resist some measures toward greater organic unity it is difficult to conceive.

Even in the domain of public works the desirability of unified control is often of much importance. Thus in Essex County, N. J., it was discovered as early as 1894 that no adequate provision for a public park system could be worked out by the separate municipalities in that distinctly urban county. In the case of certain thoroughfares which ran through two or more of these cities, it was highly desirable to effect some sort of a continuous, uniform improvement. Certain lowlands, also, were found to lie partly in one municipality and partly in another, so that neither city could act to advantage independently. Some of the cities had no available space for park purposes, while others had the space, without the resources or the need for developing it. From every point of view the obvious course to pursue led to a general consolidation of park interests, and a comprehensive well-balanced park plan, county-wide in its scope. And so there was created a county park commission which has exclusive jurisdiction over park developments and maintenance. It is noteworthy however that this commission, as we have already indicated, was

not made an integral part of the existing county government but a separate corporation; the heads of this new department of government were made appointive by the judges of the Supreme Court in order that politics might be eliminated from its control. Had the metropolitan area been under a single municipal control, no such complication would have been necessary. The county government was deemed unfit to represent the unity of interest throughout the several communities when an important new undertaking was under consideration.

Of the realization of the idea of the metropolitan unification under county control the London County Council[1] is the world's most striking and instructive example. London, through the centuries, as some of our American cities have done in a lifetime, had grown from a multitude of small independent local communities into a single, continuous metropolitan district. However, the constituent units, of which the ancient city of London is but one, retained their historic identities and clung to their historic institutions. In this peculiar way London perhaps resembles the metropolitan district of New York or Boston or Essex County in New Jersey. From time to time new units of administration were laid down to correspond to modern needs, until the system of local government was complexity itself. In 1855, Parliament took the first

[1] See Munro, *Government of European Cities*, pp. 345 *et. seq.*

step toward adjusting this situation, creating the Metropolitan Board of Works which, in the thirty-three years of its life, was responsible for much of the city's physical improvement. But corruption and scandal entered its ranks and it was legislated out of existence. The London County Council was then established with a membership composed of one hundred and eighteen councillors, two members being chosen from each of the fifty-seven "parliamentary boroughs" or election districts and four from the city of London. From within or without its own membership the councillors select nineteen aldermen who serve for a six-year term. Through its committees the Council gets into touch with its various problems of the county, while engineering, medical, financial and other experts are held responsible for actual administration. A "clerk" who is chosen by the Council is in fact the coördinator of the whole system, somewhat in the manner of a city manager in the United States. A comptroller serves as the fiscal agent of the Council.

Upon the county of London thus organized are imposed many of the functions which in America are almost universally entrusted to cities: extensive authority over public health, all matters relating to fire protection, all metropolitan street improvement projects, the construction and maintenance of bridges that cross the Thames, the administration of the building laws and the maintenance of tenement houses. The Council has also limited

powers over what we in this country term "public utilities"; it has power to establish technical schools and to build and maintain parks and recreation centers. Its financial powers, while subject in their exercise to the control of the Home Office, are comprehensive.

Nor is the county of London but a city by another name. The metropolitan boroughs have their separate identity and a very real authority, including a certain control over public health and public lighting. In any conflict between the boroughs and the county the Home Office acts as the final arbiter.

London county has a record of which it has good reason to be proud. To its credit it has a long list of mighty public works, conceived and executed in a spirit of public service. Apparently neither graft nor the spoils system have obtained a foothold. Here is a county which has become so conspicuous and interesting to its citizens that they form themselves into local political parties, founded upon genuine differences of opinion and policy to make their citizenship felt in its government. In the seats of the governing body sit, not the typical office seeker to which we are accustomed in America, but men of the influence and ability of Lord Rosebery, afterwards the prime minister of England, and Sir John Lubbock.

All of which would seem to go to prove that even at this late date, the county is capable of a very honorable service, if it is taken seriously.

The whole problem is of utmost importance to the future of American cities. Aside from the obvious economies of a single local government as opposed to two or more, it seems essential that the future development of large centers of population should not be hampered by conflicting policies of a double or multiple system of local governments. It is obvious, moreover, that perils which continually threaten the population of urban communities, such as fire, crime and contagious diseases, constitute unified problems which are co-extensive with congested areas. It would seem essential that the control of these perils should be a unified one and that too much reliance should not be placed upon a spirit of coöperation between different units.

CHAPTER XVII

RECONSTRUCTION: PRINCIPLES, PRECEDENTS AND PROPOSALS

WE have been at some pains to put the county into right relationships. Ideally, it is to be a supervised local division of the state administration (such supervision to insure strict accountability but to be unobstructive); it is to be relieved by the state of not a few incompatible, back-breaking burdens; it is to have (with some necessary limitations) a free hand in making over its internal organization for whatever obligations of public service may be laid upon it in the future. In some respects its greatest service is to consist in receding entirely from public service, while in other respects its importance should be greatly enhanced.

Practically, these external adjusting movements will proceed concurrently, with varying speed, according as the need for the one or the other may exist or be recognized. Their full fruition will still leave the county, within its restricted sphere, with a very distinct and honorable body of functions to perform. And for this, the county, now so largely an unfit instrument of a self-governing,

self-respecting community, must be made over from within.

The basic formula of reconstruction is not far to seek. In every state the forward looking part of the citizenry which interests itself in better government for long toyed with the theory of "checks and balances," which might be denominated for popular purposes as "safety via complication." Past generations put a premium on *ingenious* political devices. Just as to some people medicine which is not bitter is not efficacious, so to the old school of political reformers, government was dangerous if it could be seen through and understood. But ingenuity and complexity in city government "came high." The cost of them was "conspicuous failure." In the end the people rebelled and the end of the old way of thinking about government was in sight. Witness: the movements of those cities which since 1901 have so cheerfully though so thoughtfully "scrapped" the historic dogma by the act of adopting the "commission" plan. Ingenious, complicated, inefficient, corrupt city governments have given way literally by the hundreds to a new system, the corner-stone principle of which is simplicity: one set of officials to elect and watch; one place to go to get things done; one source to which to direct criticism when things go wrong.

In a word, the Short Ballot, in its fullest implication. It is not simply that there should be few officers to elect. County candidates are not

especially obscure to rural voters and the ballots in the country districts are not often absurdly long. The farmer probably makes a better job of it when it comes to making up his ticket than any other class of citizen. It is also necessary that "those officers should be elective which are important enough to attract *and deserve* examination," that is, officers who stand at the sources of public policy—not sheriffs or coroners or county clerks; not officers who simply follow out a statutory routine, but those who are supposed to lay out programs of county action.

And then, the Short Ballot connotes unification of powers. For what does it avail to watch, to criticize a single set of officers if all the while the really important work of the county is performed and the really important damage is committed by the officials who are obscure and therefore unwatched?

County government, as it stands, is the very personification of non-conformity to these approved principles of political organization. Starting, therefore, at the base of an ideal structure, let us proceed to the task of reconstruction.

Under ideal home-rule conditions the county will have been brought face to face with the obligation to stand on its own feet. It will look about for appropriate means to redeem that obligation. The electorate will be made responsible for its collective conduct by virtue of accurate representation in the county's council. Re-

sponsibility will first be secured in the very make-up of the governing body, which is the source of power in any popular government. No stereotyped uniform plan of organization will do; no slavish copying of the "New England" type, or the "southern" type: counties differ too widely for that. But natural and legitimate cleavages of public opinion will be recognized and represented. Minor geographical divisions which have a distinct identity may be given a separate voice in the county board, but if the county is a geographical and social unit, the form of the governing body will reflect the fact. And if the county is coextensive with a city, that circumstance will be given due weight.

But the county board will be something more than an epitomized electorate. It will be clothed, as such bodies rarely are, with the power not only to discover what the people want, but to translate their wishes into deeds of administration. Instead of working as now through alien instruments in the person of independent officials, it will control the operating mechanism of the county, which will be of its own selection. Shall we take away from the people the power to choose the sheriffs, the county clerk, the surveyor, the superintendent of the poor? Yes, take away the selection, but reinforce their control. Abandon the separation of powers? Yes, do away with the three-ring (or perhaps twelve- or twenty-ring) circus, and get down to the serious business of government. For

business never was successfully organized except on the principle that the head controls the tail and all that intervenes. In terms of law, the county board, subject of course to state legislative and administrative supervision, will exercise all the powers of the corporation, including those of appointment, of revenue raising and of appropriation.

A long step toward the fulfillment of these principles in actual life has been taken in the county of Los Angeles, Cal., one of those communities in which the doctrine of complexity was once carried to absurd extremes. But the new charter of this county, which was the first to be adopted[1] under the home-rule provisions of the constitution, proceeded in great measure in the light of the theory exemplified by the commission plan in the cities. The supervisors are retained on the elective list as the constitution requires, but the county superintendent of schools, coroner, public administrator, county clerk, treasurer, tax collector, recorder and surveyor, all of whom were formerly elected by the voters, are now appointed by and are responsible to the county governing body, which is the board of supervisors. The sheriff, the auditor, the assessor and the district attorney are still elective. In thus extending the power of the board of supervisors, the charter framers require that, with a few exceptions, the officers shall be chosen from competitive lists on

[1] November, 1912.

the basis of merit and fitness. The fee system is abolished. The Los Angeles achievement, while it falls far short of the measure of unity which is present in many counties governed by the commissioner system, is important as a recent conscious step toward greater simplicity.

And now that we have perfected a mechanism for expressing the general will of the people of the county, it remains to arm the governing body more effectively with the means for translating mere wishes into concrete acts of administration. To put it otherwise, we must mobilize the operating departments under effective leadership.

Recall, first, our statement in an earlier chapter that the county in the United States is almost universally devoid of a definite executive head. One exception is the two first-class counties of New Jersey (Hudson and Essex) where until recent years the so-called board of chosen freeholders were elected from districts. Under these circumstances the need was felt for some agency to represent the unity of interest among the several localities, in the government of the county. Accordingly, the office of supervisor was conceived. The incumbent is elected by the people of the county and has powers not unlike those of the mayor in many cities. He is required "to be vigilant and active in causing the laws and ordinances of the county to be executed and enforced." Subject to the civil service law he has power to suspend and remove but not to appoint sub-

ordinates. He may propose legislation and veto resolutions.

Fifteen years of experience have not commended this institution to wider adoption. With one or two exceptions the supervisors, like most mayors of cities, have not been men of force or imagination and they have been controlled, apparently, by the same political elements as the board of freeholders upon which they were supposed to have served as a check.

As these pages are being written, a single county in the West, almost unconsciously it would seem and under influences that upon the surface seem reactionary, has taken one of the longest progressive steps toward administrative unity ever taken by an American county. The county in mind is Denver, Colorado. Ever since the constitution was amended in 1902 the city and county have been geographically identical. Article XX, Section 2, stipulates that "the officers of the city and county of Denver shall be such as by *appointment* or election may be provided for by the charter." On May 9, 1916, Denver abandoned the commission plan of government and vested the appointment of city *and county* officials in the mayor.

The New Jersey and Denver experiments point in the general direction of administrative unity; they do not come within hailing distance of the expectations which seem to be justified by recent developments in American cities. For after all, the practical problem is the same in every civil

division: to dispose effectively and economically of the visible supply of work to be accomplished or service to be rendered. And this, some of the more aggressive of our cities, such as Dayton and Springfield, O., Niagara Falls, N. Y., and some forty others have essayed to do through a form of organization which is unity and simplicity reduced to its lowest terms: the plan of the typical business corporation. A board of directors to represent the people; a city manager to appoint and direct the heads of departments—that is all there is to it. And it works!

In similar fashion the people of our counties will surely consent to a reorganization of *their* public affairs. The members of the county boards will not follow the example of some of our present county commissioners and personally descend to the management of the details of administration. They will learn the art of delegating authority without losing control. And just as the people will have simplified their problem of citizenship by concentrating their attention on the governing group, so the representative body will focus administrative responsibility in a chief subordinate. To be specific, the county of the future will employ a manager chosen appropriately with sole reference to his fitness to manage public affairs and without regard to residence, religion or views on the Mexican situation, who will pick up the authority of the county where the board of directors leaves it off.

With the installation of the manager with adequate powers, the county will have supplied the largest single essential in any collective effort: leadership. Without that directing, driving force it is hardly strange that counties, up to the present, have headed for nowhere in particular.

And leadership in county affairs signifies specifically what?

To begin with, it will now be possible to build up the correct sort of subsidiary organization. For instance, with such leadership it should not have been necessary, for the lack of a proper executive responsibility, for Hudson County in New Jersey to impose upon the local judges the odd function of selecting a mosquito commission, and to dispose the rest of the appointing power as the fancy of the moment might dictate.

A county manager who has the power to appoint and discharge will of course be in a position to issue orders with a reasonable assurance that they will be obeyed without a writ of mandamus or some other form of judicial intervention. Public business will be speeded up accordingly.

And then, the presence of a responsible executive will supply an indispensable condition of a scientific budget. The finance committee of the governing board is no proper substitute, for, as Mr. Cartwright[1] says: "Such a committee cannot have either the understanding of the full meaning

[1] Otho G. Cartwright, Director of Westchester County Research Bureau.

of the budget, or the personal interest in properly performing the work of preparation that an executive head should have who is personally responsible in very large degree for the success or failure of the entire county administration. The man who is officially responsible ought personally to lay the plans, summoning to his aid such advisers as he deems best suited to give him counsel." The budget is the financial plan or program in a given year. It must see the needs of the county in their unity. It is the proper occupation of a single directing mind which is continuously and intimately in touch through his subordinates, with every need of the county. Not that the county manager will have the "power of the purse" and dictate the financial policy of the county. On the contrary, he will simply formulate the financial program for his employers to accept or reject, in whole or in part as they see fit.

The county manager will also act as a balance against any undue pressure from any geographical division in the county or any division of the public service. He will discover possible new services or better methods of performing old services. In short, he will be the specially accredited agent of the county board in carrying out its policies and the initiating force of public opinion. Through the governing board and the county manager there will be a clear and direct succession of authority from the people to the scullion at the almshouse and the assistant turnkey at the county jail.

A proposal that practically squares with this formula was put forth some years ago by a group of Oregon citizens under the leadership of W. S. U'Ren, in a proposed amendment to the state constitution. Under the projected scheme the county business would be in the hands of a board of three directors to be elected by the voters of the county for terms of six years. This board would have power to "make all expedient rules and regulations for the successful, efficient and economic management of all county business and property." It would be necessary, however, to employ a business manager who would be the "chief executive of the county"; the choice of this officer not to be limited to the state of Oregon; his salary to be determined by the board. With him would rest the appointment of the subordinate county officers. The board of directors would be empowered to audit bills, either directly or through an auditor.

A more complete and detailed plan of county government, following the same general principles, was embodied in a bill introduced in the New York legislature in 1916.[1] It provided that any county, except those comprising New York City, might adopt the statute by petition and referendum. The county would therefore be governed by a board of five county supervisors who would act through a manager, whose duties would be:

[1] For text see Appendix, pp. 251–256.

(*a*) To attend all meetings of the board of supervisors;

(*b*) To see that the resolutions and other orders of the board of supervisors and the laws of the state required to be enforced by such board, are faithfully carried out by the county, including all officers chosen by the electors;

(*c*) To recommend to the board of supervisors such measures as he may deem necessary or expedient for the proper administration of the affairs of the county and its several offices;

(*d*) To appoint all county officers whose selection by the electors is not required by the constitution, except county supervisors and the county auditor or comptroller, for such terms of office as are provided by law.

Subject to resolutions of the board of supervisors, he shall:

(*e*) Purchase all supplies and materials required by every county officer, including the superintendent of the poor;

(*f*) Execute contracts on behalf of the board of supervisors when the consideration therein shall not exceed five hundred dollars;

(*g*) Obtain from the several county officers reports of their various activities in such form and at such times as the board of supervisors may require;

(*h*) Obtain from the several county officers itemized estimates of the probable expense of conducting their offices for the ensuing year, and transmit the same to the board of supervisors with his approval or disapproval of each and all items therein, in the form of a tentative budget.

(*i*) Perform such other duties as the board of supervisors may require.

In the exercise of these duties the county manager would have power to examine witnesses, take testimony under oath and make examination of the affairs of any office.

Inasmuch as the constitution of New York State requires the election by the people of the sheriff, district attorney, county clerk and register, the method of choosing these officers could not be affected by statute.

The Alameda County plan referred to in the preceding chapter provides for a city-and-county manager who would have charge not only of county administration but of the execution of the policies of the several constituent boroughs.

Such are a few definite proposals for fundamental political reconstruction of the county. Recalling, again, the low estate of our *city* governments, a decade since, the hope for an early and thoroughgoing betterment of the county system, in the department of fundamental structure, would seem to be not altogether vain.

CHAPTER XVIII

SCIENTIFIC ADMINISTRATION

BETTER county government, however, involves a good deal more than a mere skeleton of organization. It is not enough to provide the means for fixing responsibility in a general though fundamental sense, in officers who are conspicuous and powerful. That is the beginning of efficiency. And yet "responsibility" in its greater refinements, in its more intimate applications, is precisely the key to what all the various prophets of better government and public administration are preaching. Turn on the light! That is what the Short Ballot movement proposes by the more sweeping fundamental changes in the structure. Turning on the light is also essence of the doctrine of better accounting, better auditing, better budget making, better purchasing and the whole tendency to greater publicity in the conduct of public affairs.

Those county commissioners out in Kansas and Iowa who paid too much for their bridges—what was the real trouble with them? A writer in the agricultural journal which exposed these scandals wound up his article with an exhortation to the

people to "elect good honest men." Such advice was at least a shade or two more constructive than the political preaching of a century ago (which still has its adherents) that public officials tend inevitably to become thieves and crooks; that the best that we can do is to tie their hands by ingenious "checking" and "balancing" devices until it is almost impossible for them to move. To-day one group of political reconstructionists says: "Give these officers plenty of power, and then watch them," and another group, supplementing the former, says: "Give officers the means of knowing exactly what they are doing; give also the public the means of watching intelligently and minutely; and if their public servants go wrong it is 'up to the people,'" actually as well as formally. One is quite safe in assuming, for instance, that the offices of those middle western county officials were terribly "shy" on reliable data on bridge construction with which to meet the wiles of the combined contractors.

To begin with, what kind of a bridge was most needed? Did they have records as to the volume and weight of traffic which was likely to come over the structure? Did they seek light from an engineer of untarnished reputation or did they just trust to their "horse sense" and the fact that they "had lived there all their lives and they ought to know, if anybody did"? What did the records in the county engineer's office show as

to the relative durability and maintenance expense of steel bridges as against wooden bridges, under the peculiar local conditions?

Then as to the bids on the proposed structure: how did these compare with the cost of bridges of equal tonnage in other states and counties? How about the current state of the steel market—would it be better to buy now or wait a few months until business at the mills was likely to be slack?

How about financing the bridge project? Should the cost be borne out of the current year's revenues, should it be covered by a ten-year bond issue or should the next generation of taxpayers be saddled with payments long after the bridge had outlived its usefulness?

A board of supervisors or a county manager or a county engineer armed with an answer to this series of extremely pertinent questions and a modicum of common honesty would be proof against ninety-nine per cent. of the "slick" deals which are so often "put over" on an unsuspecting public and their easy-going servants.

The science of public administration consists principally in knowing *exactly* where you are and what you are doing—knowledge gained through experimentation, investigation and comparison and by consultation of authoritative standards and with authorities themselves.

We will illustrate this principle in a few of its applications:

ACCOUNTING

The accounting system of any organization, public or private, is useful in proportion to the definiteness of its analyses or classifications, according to what is most important to be known. Thus, in New York State, the statutes authorize boards of supervisors to allow claims on the basis: (1) of specific amounts imposed by state law, such as the stated salaries of judges, (2) of amounts fixed by the board of supervisors under authority of law. In at least one county (Westchester) it was formerly the custom to lump a great variety of claims under the second heading—under the title "county audited bills"— a procedure which was satisfactory enough perhaps, if to know the *authority* for payment were the only information desired. By such a system it was impossible to tell the cost of running any county office or department without actually tracing each voucher back to its source. Thus, it was found that, in the year 1907 the budget authorization for the superintendent of the poor was $17,485.61, while the expenditures shown by the treasurer's report were $108,906.58 and the actual cost of the office, when proper additions were made from the "county audited bills," was $118,464.33. Discrepancies of an equally serious nature were revealed in the case of most of the other offices. The accounting system through its inexact classifications gave information which was useful in protecting the

treasurer but which was practically without value as a description of what the county's departments were doing and how economically they were doing it.

Exact classification is also essential to the last degree in the making of the budget, to the end that actual experience in the way of revenues received and funds disbursed may be made the reliable basis of future activities. In a well-ordered system of state supervision of local accounts the classifications will be made by a state official who will have the power to enforce compliance upon the part of the fiscal officer in each county. So that in time each county will have the inestimable advantage of being able to compare its finances with those of other similar units. A proper accounting system will proceed so far in its analysis as to provide a large amount of data concerning the cost of *units* of service rendered and materials consumed. Among other things, it will reveal at any and all times precisely what is the condition of the county's assets both in the shape of funds and of investments; it will show how much the county actually owes and is to owe at any future date.

THE BUDGET

On the basis of accounts that tell in detailed classification the needs and the resources of the county, the governing body will be able to embark

upon the financial voyage of each new year with chart and compass. At a stated time before the budget-making period the heads of departments, having before them the records of transactions and costs in previous years, will frame their requests for future service. But because of the exactness of the estimates required to be submitted, any request for an increase of appropriation will stand out as a shining mark. The department head will thereby be thrown on the defensive, will be obliged to explain himself. The knowledge of that condition will have a distinctly beneficial effect upon any desire of his to seek increased appropriations without careful consideration.

The governing body will proceed, moreover, with the certitude that the public has at its disposal the means of knowing in detail what its government is costing. The business of the year will be treated as a program of public service; and in the framing of that program every interested citizen and group of citizens will be urged to take part through the medium of public hearings. As the Westchester County Research Bureau says: "It would be easy to provide an opportunity for the filing of either objections or additional suggestions by taxpayers and for consideration of these at public hearing at the county seat before the board of supervisors by public notice of such filing and of such public hearing. Such hearings would doubtless speedily end such abuses as are exemplified in our bulletin on the Purchase of

County Supplies. In the face of public objection, few supervisors would vote affirmatively for appropriations for such extravagant expenditures. The difference in result would be that between the action of an informed public, able to deliberate in advance upon proposed expenditures, and the absence of action of a public ignorant of the character of such proposed expenditures—the usual condition under present methods of budget provision for public funds.

"It is easy to prevent the official adoption over public objection of extravagant estimates. It is difficult to prevent extravagant misuse of public funds appropriated in lump sums, or to rectify such misuses after such expenditures have been incurred."[1]

Complete knowledge and complete mutual confidence and understanding on the part of the public on the one hand and its agencies of government on the other—that is the big and seemingly reasonable promise of a budget system of the right sort. It cannot be put into operation in the fullest extent without those structural changes in county government with which we have already dealt.

AUDITING AND PURCHASING

A special field in which exact knowledge is particularly essential as a safeguard against theft is that of the auditor. To many a county treasurer

[1] "The Making of the County Budget," Westchester County Research Bureau, 1912.

the auditing demands of the government appear to be met when some basis of authority for a payment has been established. Sometimes even then the authority in question is not a legal one for often it may not be established by reference to the letter of the statute but by the precedents set by previous incumbents. Not "What does the law say about it?" but "What did —— do in such cases?" is apt to be the question uppermost in the mind of the official. How many millions of good money have slipped through county treasurers' hands through such a procedure will never be known. The state examiner who has not discovered many an old-fashioned county where many such illegal payments have been made is rare indeed.

But such post-mortem checking of illegal payments is, for the most part, but a sad business. Modern standards of auditing organization and practice aim to insure more completely that the authority for payment shall be established *before* payment. The auditor should certainly be wholly independent of the disbursing officer and some authorities would also insist, of the appropriating body. Least of all should the auditing be done by the appropriating body itself or through its committees (as is true in some states) for such an audit through lack of first-hand consideration and definite fixing of responsibility rapidly degenerates into a perfunctory performance. It is even the practice in some counties to audit bills in full board by acclamation!

And since so large a portion of county claims are for material and supplies for use in the construction and maintenance of roads, bridges and institutions, the work of audit cannot fail to be closely associated with the purchasing system. The purchasing agent by whatsoever name called, is, after all, a special sort of auditor, dealing with a variety of commodities instead of funds. As in every other branch of public service, successful purchasing depends primarily on exact information, relating in this case, to standards of utility of various articles, the present and the probable future state of the market, the exact condition of present supplies, the honest fulfillment of contracts. Such information may come through stock ledgers, inspectors, trade journals or chemical tests.

In the county of Alameda, Cal., as a result of investigation, publicity and political pressure resulting in changes in the purchasing procedure in the county offices, the sum of $810,205 was saved on the one item of cost of elections in the years 1912–1916. Blank affidavits of registration dropped from $16.50 to $3.30 per thousand, election ballots from $22.12 to $1.65. On advertising, election proclamation, etc., there was a saving during the period of 1700 per cent. And this is by no means an unique experience. It is typical of results obtained under careful scientific purchasing methods in public work everywhere.[1] Ac-

[1] Excellent results have been obtained by the purchasing agent of Onondaga County, New York, Mr. Frank X. Wood.

curate records, a study of unit costs, "pitiless publicity," standardization and elimination of senseless waste and lost motion constitute the explanation. The Tax Association is now urging the consolidation of public purchasing agencies throughout the county in order to take advantage of the still greater economies which accrue to the large buyer.

OTHER FORMS OF ACCOUNTING

It is not only in its material interests that the county will be in need of exact information. Where the county comes into contact with the human factor the importance of working in the daylight cannot be overlooked. It will not do for the officer in charge of the poor to keep records "under his hat" concerning the inmates under his charge. Similarly, the probation officer will investigate and account for the delinquencies and the special needs of his wards, in a really informing way. And the sheriff, so long as he shall be the peace officer of the county, will furnish a record of crimes committed within his jurisdiction which will possibly lead to suitable preventive measures.

It is a high standard of administrative efficiency which we have set up. No single county so far as we know, measures up to it at present. No county, apparently, without compulsion from the central state government, has even made any serious progress along these lines except at the

instigation of a privately supported research bureau or tax association. County administrative organization and procedure is virgin soil for constructive civic effort.

But administrative procedure is not more important to county betterment than the personnel of the organization. "Politics" in administration has come to mean the antithesis of scientific standards. Mediocrity and incompetency sit enthroned where party expediency takes precedence over the interests of the whole county.

THE MERIT SYSTEM

Therefore abolish "politics!" No single county of its own initiative has taken a more important step toward that end than Los Angeles, California, under its special home-rule charter, which is notable for the advanced character of its civil service provisions. Among other things it creates a bureau of efficiency, consisting of the civil service commission (three members), the secretary thereof and the auditor of the county. To quote the language of the charter, the duty of this bureau is that of "determining the duties of each position in the classified service, fixing standards of efficiency, investigating the methods of operation of the various departments and recommending to the board of supervisors and department heads measures for increasing individual, group and departmental efficiency, and providing for uni-

formity of competition and simplicity of operation." The commission is required to "ascertain and record the comparative efficiency of employes in the classified service" and has power after a hearing, to "dismiss from the service those who fall below the standards of efficiency established."[1]

With a combination of a structure of government designed to fix general responsibility, an administrative procedure designed to let daylight into public business and an administrative personnel free to serve the interests of the public, the people of the county will be in a position to just about get what they want, within the measure of power granted to the locality under the laws of the state.

[1] For full text of provisions, see Charter of Los Angeles (Appendix B).

CHAPTER XIX

THE COUNTY OF THE FUTURE

In our mind's eye we have now completely made over the system. Metropolitan counties have retired from the field; the remainder have in a large measure been put in command of their own destinies through a generous extension of the home-rule principle. The county politician of the conventional type has been extinguished and single-minded service of the whole people has replaced a hyphenated allegiance that put the county chairman in the place of highest honor.

What could such a county do for its citizens?

It should be kept in mind that this county of the imagination with which we are particularly concerned will be practically confined to rural and semi-rural localities. Here, even while we dream, a very actual metamorphosis is going on which inevitably promotes a sense of community interest. Thanks to Alexander Graham Bell and Henry Ford, the countryside is getting together in spite of itself! The rural gentry will think in bigger units and the basis of its allegiances will be correspondingly broadened. And a more funda-

mental accomplishment for county betterment could not well be conceived, for, as Herbert Quick has asked: "Did you ever know a man that was proud of his county?" The answer to which he gives himself: "I knew but one such man and his relations were all in county offices."

The county of the past has lacked opportunity to "do itself proud." The county of the future will be equipped to do interesting things in an interesting way. But it must develop policies—real politics—as a substitute for the interest that has made place hunting and place holding a basic rural industry. The farmer of the future must be given something more wholesome to think about "during the long winter evenings" than who is to be the next coroner; and he must cease to measure his freedom by the number of offices he attempts to fill with his ballot.

But before county citizenship is raised to the point of appreciation of the new order a benevolent deed of violence must be done to a power in the community noted principally for sycophantic approval of the administration in power, an utter lack of either conscience or ideas, and "patent insides"—the county official newspaper. The cheap "boiler-plate" weekly must go the way of old Dobbin and in its place will come some means yet to be devised, for putting out official advertising that really advertises and furnishing news that is not only "fit to print," but worth the while.

When these mechanical essentials of an efficient

local democracy shall have been acquired the county will be in a position to formulate a genuine program of service. As to the ingredients for the same a few suggestions may be in order:

PUBLIC HEALTH

Contrary perhaps to general opinion, the rural sections of the country are not conspicuously free from a public health problem. All the squalor, bad housing and contagion is not in the crowded city tenements. Rural citizens have perhaps much more to learn about pure milk and water, for instance, than their city brethren. But the public health movement has struck the country districts. It seems to have come principally by way of the nation wide attack on tuberculosis. During the past six or seven years there has been a remarkable campaign for institutions for the care of persons afflicted with this malady. It is something entirely distinct from the idea of caring for the pauper sick, for it has been found difficult to persuade many people in need of proper treatment to go to an institution to which a long-standing stigma is attached. New York now has such special institutions in about half of its counties. In the South, North Carolina has made more important progress than any other state. Ninety of its hundred counties have part-time county physicians, while the other ten have county health officers devoting their entire time and energies to

the preservation of public health and the prevention of disease. The standard for the selection of these officers is very high.

Wisconsin has enacted a statute authorizing the board of supervisors of any county to employ a graduate trained nurse whose duties are:

> "To act as a consulting expert on hygiene for all schools not already having medical inspection either by physician or visiting nurse, to assist the superintendents of the poor in their care of the poor in the county who are in need of the services; to give instruction to tuberculosis patients and others relative to hygiene measures to be observed in preventing the spread of tuberculosis; to aid in making a report of existing cases of tuberculosis; to act as visiting nurse throughout the county and to perform such other duties as a nurse and hygienic expert as may be assigned to her by the county board."

That the spirit of the new public health movement is taking hold to some extent in Minnesota is the testimony of a local authority[1]:

> "Koochiching County has the first and only county health organization in the state. The county commissioners and the county school board there see the economy of hiring a medical man to preserve the health of the community and to keep the children in school the maximum number of days each term.

[1] Dr. I. J. Murphy of the Minnesota Public Health Association.

"Furthermore, they have chosen a health officer with a proper point of view; one who believes that a health department should be an educational agency more than a police bureau; one who reserves the 'police club' for exceptional emergencies, but who is ever ready to instruct and convert. In Koochiching County the authorities are laying the foundation for a type of citizenship that is not only going to grow up healthy, but will be so well informed that it will observe sanitary laws and insist upon proper health safeguards. A county health organization similar to the one in Koochiching County, or a better one if it can be afforded, is needed in every Minnesota county, southern as well as northern, but particularly in the pioneer district."

The public health movement in counties is by no means limited to the cited states.

COUNTY PLANNING

An example full of suggestive possibilities for almost any locality comes to us from Westchester County, N. Y. It is a district which is partly suburban and partly rural and has had very little unity excepting a political one. The lines of railroad travel run not to a common center within the county but to the Grand Central Terminal in New York City. This situation the Westchester County Chamber of Commerce set about to alleviate at least in some degree by means of a county physical plan which would facilitate communica-

tion between sections and possibly tend to distribute population more evenly. The plan calls for a carefully thought-out system of roads, parks and sewers. It is a private undertaking, but *cities* have official planning commissions; why not counties? What could better serve as the starting point for a broad, comprehensive program for a modernized county to undertake?

COUNTY LIBRARIES

Quite as fundamental to the welfare of the rural county as turnpikes and bridges is the awakening of its intellectual life. The school system is becoming everywhere more highly centralized, so that educational policies and administration are controlled from the state capitol. But the schools only meet the demand in an elementary limited way, leaving the adult population and the graduate of the common and high schools for the most part unprovided for. The United States Commissioner of Education has discovered that "probably seventy per cent. of the entire population of the country have no access to any adequate collection of books or to a public reading room. In only about one third of the counties of the United States is there a library of five thousand volumes or more. In only one hundred of these do the villages and country people have free use of the libraries."

In 1901 an Ohio county through a legacy left

by one of its citizens was enabled to meet this deficiency at least partially by establishing the first county library. It has grown rapidly and now has not only a central building but a number of sub-stations. The county is said, as a result of this beginning, to have experienced a general awakening which has been evidenced in good county pikes, county parks and a hundred other tangible ways.

Following the example of Ohio, county library laws were passed in Wyoming, Wisconsin, Minnesota, Missouri, Maryland, Oregon, Nebraska and New York. California has twenty-seven county libraries.

THE PUBLIC DEFENDER

Throughout Oklahoma and in Los Angeles county a humanitarian public opinion has manifested itself in the erection of a new county office, that of public defender. The purpose of this new institution is to put the impecunious litigant actually as well as legally on an equal footing with his opponent, whether he be a defendant in a criminal action or a party to a civil suit. Hitherto the law had prescribed that every defendant should have counsel, even if it be at the state's expense. But the lawyers assigned to this somewhat thankless task (in a pecuniary sense) were either young and inexperienced or too busy with more lucrative practice to give the "charity"

cases the attention they deserved. Under the new system the salaried defender is a man comparable in his ability to the district attorney; he gives his entire time to the county and has a number of assistants. The defender serves also as an investigator for the court and often in this capacity discovers circumstances which justify the judge in mitigating sentence. Incidentally, two years experimentation with this office in Los Angeles has shown that a considerable saving can be made as against the old method of employing various lawyers in private practice.

While the public defender will doubtless acquire greatest importance in city counties, rural communities will not fail to provide opportunities for his services.

AN IDEALIZED POORMASTER

For another piece of successful experimentation we must again revert to Westchester County, N. Y., this time to the work of V. Everit Macy, the superintendent of the poor elected in November, 1914. Mr. Macy entered upon his public duties, a man of wealth and long experience in social welfare work. He found the poor administration of the county at its political worst: petty graft in commitments and the purchase of supplies, an archaic almshouse, a notable absence of informing records, neglect of proper medical examinations. He began at the source of the trouble by eliminating "poli-

tics," in the making of appointments, by the simple expedient of requiring applicants for positions to state their qualifications. In time he had surrounded himself with a group of trained social workers, men and women who, according to one observer,[1] "are as unlike the staff commonly found with a poor-law officer as the faculty of a university is unlike that of a one-room country school." The simple recital of a few of his achievements in his first two-year term presages, perhaps, the county of the future as somewhere in sight of its highest efficiency as a humanitarian agency. Mr. Macy systematized records, required physical and medical examination of all inmates, weeded out mental defectives and sent them to custodial institutions, started competitive bidding in the purchase of supplies (saving $18,000 in the first year), improved the diet of inmates and their general level of health, tripled the amount of produce raised upon the county farm, made the hospital a preventive agency instead of a place for treating cases suffering obviously from disease.

The superintendent's basic interest, by the way, is the ultimate causes and prevention of poverty, and to this end he has instituted investigations and records of the habits, occupations and every other matter concerning the inmates that might throw light upon their present condition.

[1] See Winthrop D. Lane, "A Rich Man in the Poor House," *Survey*, Nov. 4, 1916. Reprinted in pamphlet form by the County Government Association, White Plains, N. Y.

In the handling of children's cases, his work has been particularly effective. To begin with, unnecessary commitments, which had been encouraged by the fee system prevailing in New York, have been prevented. And during the first year of the term 311 children ceased to be public charges, some of those previously committed having been transferred to state homes, some having been placed in foster homes, but the far greater number, 239, having been returned to their relatives. Inasmuch as the annual cost to the county for each committed child was $237, the public saving accomplished through this systematic, intelligent handling of the child problem was over $17,000.

Before Mr. Macy's first term had expired he had so far won the confidence of the board of supervisors and the public in general that they accepted plans for centralizing the public welfare work of the county in a great plant for which nearly $2,000,000 has already been appropriated. Within the confines of this new establishment will be accommodated the almshouse, the county hospital and the county jail. The office of superintendent of the poor, in the meantime has been abolished (January 1, 1917) and a new officer to be known as the commissioner of charities and correction, and having greatly extended jurisdiction, will take his place.

It is a new conception which Mr. Macy has given us of the once melancholy job of the poor-

master and he has new revelations of the possibilities of his position in store.

CITIZEN ORGANIZATION

But movements for better rural health, better library facilities, better physical development and for a better conception of public humane obligations do not spring out of the air. Always they are the product either of some personal initiative or some organized effort. Does any county clearly lack that element of citizen leadership? Then the obvious need of the county is to bridge that gap. The rural population of America suffers (the word is all too weak) for the lack of a public community sense. Every "average" rural citizen is a unit, he does not travel in droves—so much for his independence. On the other hand, he has not fully learned the art of coöperation and legitimate compromise. The end of this condition, however, will doubtless come by way of his growing realization of a community of private interest developed through such special organizations as county chambers of commerce, boards of trade and county agricultural associations.

Sometimes such bodies, founded with the idea of promoting a common material advantage, as, for instance, by enhancing the value of local real estate or attracting capital to local industries, discover by a gradual process that the government is an indispensable leverage to achieving the

particular ends in view and that existing government is a decidedly ineffectual instrument. It was through such a metamorphosis that the Chamber of Commerce in Westchester County, N. Y., progressed in its program of county planning, to a study of and attack upon the faulty system of taxation, to plans for a revision of county government and finally to an active interest in county home rule through constitutional revision. County chambers of commerce are also doing much to beat down the barriers of distrust that have existed between the farmer and the business man. By a commingling of the two in a common organization both have often come to an understanding of their mutual interest in good roads, good schools and all the other appurtenances of a developed community.

COUNTY STUDY CLUBS

An interesting effort to stimulate a healthy county consciousness through a different intellectual means is being undertaken in North Carolina. Under the auspices of the University of North Carolina "home-county clubs" have been established in many counties and, according to the prospectus, the members "are bent upon intimate, thoughtful acquaintance with the forces, agencies, tendencies, drifts and movements that have made the history we study to-day, and that are making the history our children will study to-morrow."

The club studies are mainly concerned with rural problems. Each county is compared with itself during the last census period, "in order to learn in what particulars it has moved forward, marking time or lagging to the rearward." But also it is compared with other counties of the state, in every phase of the study, in order to show its rank and standing. . . . Meanwhile the state as a whole is being set against the big background of world endeavor and achievement."

Such are just a few of the signs of the broadening of rural community life. To plan, to put before the public for discussion and approval, and to execute just such projects as these is the constructive opportunity of the county of the future. It is a program which will tax the county's citizenship and statesmanship. It is the county's real "politics."

APPENDIX A

CONSTITUTIONAL COUNTY HOME RULE IN CALIFORNIA

[In response to a considerable demand for a reorganization of certain counties the Legislature of California in 1911 submitted to the people the amendment to Art. XI. of the constitution which appears herewith. It was adopted October 10, 1911. For summary and comments see pp. 145–147 of the text.]

County charters.

SEC. 7½. Any county may frame a charter for its own government consistent with and subject to the Constitution (or, having framed such a charter, may frame a new one), and relating to matters authorized by provisions of the Constitution, by causing a board of fifteen freeholders, who have been for at least five years qualified electors thereof to be elected by the qualified electors of said county at a general or special election. Said board of freeholders may be so elected in pursuance of an ordinance adopted by the vote of three fifths of all the members of the board of supervisors of such county, declaring that the public interest requires the election of such board for the purpose of preparing and proposing a charter for said county, or in pursuance of a petition of qualified electors of said county as hereinafter provided. Such peti-

tion, signed by fifteen per centum of the qualified electors of said county, computed upon the total number of votes cast therein for all candidates for Governor at the last preceding general election at which a Governor was elected, praying for the election of a board of fifteen freeholders to prepare and propose a charter for said county, may be filed in the office of the county clerk. It shall be the duty of said county clerk, within twenty days after the filing of said petition, to examine the same, and to ascertain from the record of the registration of electors of the county, whether said petition is signed by the requisite number of qualified electors. If required by said clerk, the board of supervisors shall authorize him to employ persons specially to assist him in the work of examining such petition, and shall provide for their compensation. Upon the completion of such examination, said clerk shall forthwith attach to said petition his certificate, properly dated, showing the result thereof, and if, by said certificate, it shall appear that said petition is signed by the requisite number of qualified electors, said clerk shall immediately present said petition to the board of supervisors, if it be in session, otherwise at its next regular meeting after the date of such certificate. Upon the adoption of such ordinance, or the presentation of such petition, said board of supervisors shall order the holding of a special election for the purpose of electing such board of freeholders, which said special election shall be held not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid or the presentation of said petition to said board of supervisors; *provided*, that if a general election shall occur in said county not less than twenty days nor more than sixty days after

the adoption of the ordinance aforesaid, or such presentation of said petition to said board of supervisors, said board of freeholders may be elected at such general election. Candidates for election as members of said board of freeholders shall be nominated by petition, substantially in the same manner as may be provided by general law for the nomination, by petition of electors, of candidates for county offices, to be voted for at general elections. It shall be the duty of said board of freeholders, within one hundred and twenty days after the result of such election shall have been declared by said board of supervisors, to prepare and propose a charter for said county, which shall be signed in duplicate by the members of said board of freeholders, or a majority of them, and be filed, one copy in the office of the county clerk of said county and the other in the office of the county recorder thereof. Said Board of Supervisors shall thereupon cause said proposed charter to be published for at least ten times in a daily newspaper of general circulation, printed, published and circulated in said county; *provided*, that in any county where no such daily newspaper is printed, published and circulated, such proposed charter shall be published for at least three times in at least one weekly newspaper, of general circulation, printed, published and circulated in such county; and *provided*, that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed charter shall be posted by the county clerk in three public places in said county, and on or near the entrance to at least one public schoolhouse in each school district in said county, and the first publication or the posting of such proposed charter shall be made within fifteen days

after the filing of a copy thereof, as aforesaid, in the office of the county clerk. Said proposed charter shall be submitted by said board of supervisors to the qualified electors of said county at a special election held not less than thirty days nor more than sixty days after the completion of such publication, or after such posting; *provided*, that if a general election shall occur in said county not less than thirty days nor more than sixty days after the completion of such publication, or after such posting, then such proposed charter may be so submitted at such general election. If a majority of said qualified electors, voting thereon at such general or special election, shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be forthwith submitted to the Legislature, if it be in regular session, otherwise at its next regular session, or it may be submitted to the Legislature in extraordinary session, for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, such charter shall become the charter of such county and shall become the organic law thereof relative to the matters therein provided, and supersede any existing charter framed under the provisions of this section, and all amendments thereof, and shall supersede all laws inconsistent with such charter relative to the matters provided in such charter. A copy of such charter, certified and authenticated by the chairman and clerk of the board of supervisors under the seal of said board and attested by the county clerk of said county, setting forth the submission of such charter to the electors of said county, and its ratification by them, shall, after the approval of such charter

by the Legislature, be made in duplicate, and filed, one in the office of the Secretary of State and the other, after being recorded in the office of the recorder of said county, shall be filed in the office of the county clerk thereof, and thereafter all courts shall take judicial notice of said charter.

The charter, so ratified, may be amended by proposals therefor submitted by the board of supervisors of the county to the qualified electors thereof at a general or special election held not less than thirty days nor more than sixty days after the publication of such proposals for ten times in a daily newspaper of general circulation, printed, published and circulated in said county; *provided*, that in any county where no such daily newspaper is printed, published and circulated, such proposed charter shall be published for at least three times in at least one weekly newspaper, of general circulation, printed, published and circulated in such county; *provided*, that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed charter shall be posted by the county clerk in three public places in said county, and on or near the entrance to at least one public schoolhouse in each school district in said county. If a majority of such qualified electors voting thereon, at such general or special election, shall vote in favor of any such proposed amendment or amendments, or any amendment or amendments proposed by petition as hereinafter provided, such amendment or amendments shall be deemed to be ratified, and shall be forthwith submitted to the Legislature, if it be in regular session, otherwise at its next regular session, or may be submitted to the Legislature in extraordinary session, for approval or rejection as a whole, without power of alteration

or amendment, and if approved by the Legislature, as herein provided for the approval of the charter, such charter shall be amended accordingly. A copy of such amendment or amendments shall, after the approval thereof by the Legislature, be made in duplicate, and shall be authenticated, certified, recorded and filed as herein provided for the charter, and with like force and effect. Whenever a petition signed by ten per centum of the qualified electors of any county, computed upon the total number of votes cast in said county for all candidates for Governor at the last general election, at which a Governor was elected, is filed in the office of the county clerk of said county, petitioning the board of supervisors thereof to submit any proposed amendment or amendments to the charter of such county, which amendment or amendments shall be set forth in full in such petition, to the qualified electors thereof, such petition shall forthwith be examined and certified by the county clerk, and if signed by the requisite number of qualified electors of such county, shall be presented to the said board of supervisors, by the said county clerk, as hereinbefore provided for petitions for the election of boards of freeholders. Upon the presentation of said petition to said board of supervisors, said board must submit the amendment or amendments set forth therein to the qualified electors of said county at a general or special election held not less than thirty days nor more than sixty days after the publication or posting of such proposed amendment or amendments in the same manner as hereinbefore provided in the case of the submission of any proposed amendment or amendments to such charter, proposed and submitted by the board of supervisors. In submitting any such charter, or amendments thereto,

any alternative article or proposition may be presented for the choice of the electors, and may be voted on separately without prejudice to others.

Every special election held under the provisions of this section, for the election of boards of freeholders or for the submission of proposed charters, or any amendment or amendments thereto, shall be called by the board of supervisors, by ordinance, which shall specify the purpose and time of such election and shall establish the election precincts and designate the polling places therein, and the names of the election officers for each such precinct. Such ordinance, prior to such election, shall be published five times in a daily newspaper, or twice in a weekly newspaper, if there be no such daily newspaper, printed, published and circulated in said county; *provided*, that if no such daily or weekly newspaper be printed or published in such county, then a copy of such ordinances shall be posted by the county clerk in three public places in such county and in or near the entrance to at least one public schoolhouse in each school district therein. In all other respects, every such election shall be held and conducted, the returns thereof canvassed and the result thereof declared by the board of supervisors in the same manner as provided by law for general elections. Whenever boards of freeholders shall be elected, or any such proposed charter, or amendment or amendments thereto, submitted, at a general election, the general laws applicable to the election of county officers and the submission of propositions to the vote of electors, shall be followed in so far as the same may be applicable thereto.

It shall be competent, in all charters, framed under the authority given by this section to provide, in addition to any other provisions allowable

by this constitution, and the same shall provide, for the following matters:

1. For boards of supervisors and for the constitution, regulation and government thereof, for the times at which and the terms for which the members of said board shall be elected, for the number of members, not less than three, that shall constitute such boards, for their compensation and for their election, either by the electors of the counties at large or by districts; *provided*, that in any event said board shall consist of one member for each district, who must be a qualified elector thereof; and

2. For sheriffs, county clerks, treasurers, recorders, license collectors, tax collectors, public administrators, coroners, surveyors, district attorneys, auditors, assessors and superintendents of schools, for the election or appointment of said officers, or any of them, for the times at which and the terms for which, said officers shall be elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors, and, if appointed, for the manner of their appointment; and

3. For the number of justices of the peace and constables for each township, or for the number of such judges and other officers of such inferior courts as may be provided by the Constitution or general law, for the election or appointment of said officers, for the times at which and the terms for which said officers shall be elected or appointed, and for their compensations, or for the fixing of such compensation by boards of supervisors, and if appointed, for the manner of their appointment; and

4. For the powers and duties of boards of supervisors and all other county officers, for their

removal and for the consolidation and segregation of county offices, and for the manner of filling all vacancies occurring therein; *provided*, that the provisions of such charters relating to the powers and duties of boards of supervisors and all other county officers shall be subject to and controlled by general laws; and

[1] 4½. For the assumption and discharge by county officers of certain of the municipal functions of the cities and towns within the county, whenever, in the case of cities and towns incorporated under general laws, the discharge by county officers of such municipal functions is authorized by general law, or whenever, in the case of cities and towns organized under section eight of this article, the discharge by county officers of such municipal functions is authorized by provisions of the charters, or by amendments thereto, of such cities or towns.

5. For the fixing and regulation by boards of supervisors, by ordinance, of the appointment and number of assistants, deputies, clerks, attachés and other persons to be employed, from time to time, in the several offices of the county, and for the prescribing and regulating by such boards of the powers, duties, qualifications and compensation of such persons, the times at which, and terms for which they shall be appointed, and the manner of their appointment and removal; and

6. For the compensation of such fish and game wardens, probation and other officers as may be provided by general law, or for the fixing of such compensation by boards of supervisors.

All elective officers of counties, and of townships, of road districts and of highway construction divisions therein shall be nominated and elected

[1] This paragraph was adopted as an amendment, Nov. 3, 1914.

in the manner provided by general laws for the nomination and election of such officers.

All charters framed under the authority given by this section, in addition to the matters herein above specified, may provide as follows:

For offices other than those required by the Constitution and laws of the State, or for the creation of any or all of such offices by boards of supervisors, for the election or appointment of persons to fill such offices, for the manner of such appointment, for the times at which and the terms for which such persons shall be so elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors.

For offices hereafter created by this constitution or by general law, for the election or appointment of persons to fill such offices, for the manner of such appointment, for the times at which and the terms for which such persons shall be so elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors.

For the formation, in such counties, of road districts for the care, maintenance, repair, inspection and supervision only of roads, highways and bridges; and for the formation, in such counties, of highway construction divisions for the construction only of roads, highways and bridges; for the inclusion in any such district or division, of the whole or any part of any incorporated city or town, upon ordinance passed by such incorporated city or town authorizing the same, and upon the assent to such inclusion by a majority of the qualified electors of such incorporated city or town, or portion thereof, proposed to be so included, at an election held for that purpose; for the organization, government, powers and jurisdic-

tion of such districts and divisions, and for raising revenue therein, for such purposes, by taxation, upon the assent of a majority of the qualified electors of such districts or divisions, voting at an election to be held for that purpose; for the incurring of indebtedness therefor by such counties, districts or divisions for such purposes respectively, by the issuance and sale, by the counties, of bonds of such counties, districts or divisions, and the expenditure of the proceeds of the sale of such bonds, and for levying and collecting taxes against the property of the counties, districts or divisions, as the case may be, for the payment of the principal and interest of such indebtedness at maturity; provided, that any such indebtedness shall not be incurred without the assent of two thirds of the qualified electors of the county, district or division, as the case may be, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also for a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same, and the procedure for voting, issuing and selling such bonds shall, except in so far as the same shall be prescribed in such charters, conform to general laws for the authorizing and incurring by counties of bonded indebtedness, so far as applicable; provided, further, that provisions in such charters for the construction, care, maintenance, repair, inspection and supervision of roads, highways and bridges for which aid from the State is granted, shall be subject to such regulations and conditions as may be imposed by the Legislature.

Whenever any county has framed and adopted a charter, and the same shall have been approved by the Legislature, as herein provided, the general laws adopted by the Legislature in pursuance of sections four and five of this article, shall, as to such county, be superseded by said charter as to matters for which, under this section it is competent to make provision in such charter, and for which provision is made therein, except as herein otherwise expressly provided; and except that any such charter shall not affect the tenure of office of the elective officers of the county, or of any district, township or division thereof, in office at the time such charter goes into effect, and such officers shall continue to hold their respective offices until the expiration of the term for which they shall have been elected, unless sooner removed in the manner provided by law.

The charter of any county, adopted under the authority of this section, may be surrendered and annulled with the assent of two thirds of the qualified electors of such county, voting at a special election, held for that purpose, and to be ordered and called by the board of supervisors of the county upon receiving a written petition, signed and certified as hereinabove provided for the purposes of the adoption of charters, requesting said board to submit the question of the surrender and annulment of such charter to the qualified electors of such county, and, in the event of the surrender and annulment of any such charter, such county shall thereafter be governed under general laws in force for the government of counties.

The provisions of this section shall not be applicable to any county that is consolidated with any city.

APPENDIX B

THE LOS ANGELES COUNTY CHARTER

[This was the first charter to be drafted and adopted by the people of a county under the amendment of the California constitution (*q. v.*). For summary and comment on its provisions see pp. 172–173. Date of adoption: Nov. 7, 1912.]

We the people of the County of Los Angeles, do ordain and establish for its government this

CHARTER

ARTICLE I.

Name and Rights of the County

SEC. 1: The County of Los Angeles, as it now exists, is a body corporate and politic, and as such has all the powers specified by the constitution and laws of the State of California, and by this Charter, and such other powers as are necessarily implied.

SEC. 2: The powers mentioned in the preceding section can be exercised only by a Board of Supervisors, or by agents and officers acting under their authority or by authority of law or of this Charter.

SEC. 3: The corporate name shall be "County of Los Angeles," which must be thus designated

in all actions and proceedings touching its corporate rights, properties and duties. Its boundaries and county seat shall remain the same as they now are, until otherwise changed by law.

ARTICLE II.

Board of Supervisors

SEC. 4: The County of Los Angeles shall have a Board of Supervisors consisting of five members, each of whom must be an elector of the district which he represents, must reside therein during his incumbency, must have been such an elector for at least one year immediately preceding his election, and shall be elected by such district. Their terms of office shall be four years, each shall hold until his successor is elected and qualified, and they shall each receive a salary of $5000 per year payable monthly from the County Treasury. They shall devote all their time during business hours to the faithful service of the public.

SEC. 5: The County is hereby divided into five supervisor districts, the boundaries of which shall be and remain as they now are until otherwise changed as provided in this Charter.

SEC. 6: At the general election to be held in November, 1914, supervisors shall be elected from the First and Third Supervisor districts, whose terms shall begin at noon on the first Monday after the first day of January, 1915, and end at noon on the first Monday in December, 1918; provided, that each shall hold office until his successor is elected and qualified.

At the general election to be held in November, 1916, supervisors shall be elected from the Second, Fourth and Fifth districts, whose terms shall begin

at noon on the first Monday after the first day of January, 1917, and end at noon on the first Monday in December, 1920; provided, that each shall hold office until his successor is elected and qualified.

At each general election after November, 1916, there shall be elected, either two or three supervisors, as the case may be, for terms of four years, beginning at noon on the first Monday in December next after their election, and ending at noon on the first Monday in December, four years thereafter.

SEC. 7: The Board of Supervisors may, by a two-thirds vote of its members, change the boundaries of any supervisor district. No such boundaries shall ever be so changed as to affect the incumbency in office of any supervisor. Any change in the boundaries of any supervisor district must be made within one year after a general election.

SEC. 8: Whenever a vacancy occurs in the Board of Supervisors the Governor shall fill such vacancy, and the appointee shall hold office until the election and qualification of his successor. In such case, a Supervisor shall be elected at the next general election, to fill the vacancy for the unexpired term, unless such term expires on the first Monday in December succeeding said election.

SEC. 9: The Board of Supervisors shall elect a Chairman, who shall preside at all meetings. In case of his absence or inability to act, the members present must, by an order entered of record, select one of their number to act as Chairman *pro tem.* Any member of the Board may administer oaths, when necessary in the performance of his official duties. A majority of the

members shall constitute a quorum, and no act of the Board shall be valid or binding unless a majority of the members concur.

ARTICLE III.

General Powers of the Board of Supervisors

SEC. 10: The Board of Supervisors shall have all the jurisdiction and power which are now or which may hereafter be granted by the constitution and laws of the State of California or by this Charter.

SEC. 11: It shall be the duty of the Board of Supervisors:

(1) To appoint all county officers other than elective officers, and all officers, assistants, deputies, clerks, attachés and employees whose appointment is not provided for by this Charter. Except in the cases of appointees to the unclassified service, all appointments by the Board shall be from the eligible civil service list. The Board shall provide, by ordinance, for the compensation of elective officers and of its appointees, unless such compensation is otherwise fixed by this Charter.

(2) To provide, by ordinance, for the number of Justices of the Peace and Constables, to be elected and appointed, respectively, in each Township. The Board may also provide, by ordinance, for the number and fix the compensation, of such other judges and inferior officers of such inferior courts as are now, or may hereafter be, provided by the constitution or by general law.

(3) To provide, by ordinance, for the number of assistants, deputies, clerks, attachés and other persons to be employed from time to time in the

several offices and institutions of the county, and for their compensation and the times at which they shall be appointed.

(4) To provide, by ordinance, for the creation of offices other than those required by the constitution and laws of the State, and for the appointment of persons to fill the same, and to fix their compensation.

(5) To require, if deemed expedient, any county or township officer, or employee, before or after entering upon the duties of his office, or service, to give bond for the faithful performance thereof, in such penal sum as may be fixed by the Board.

(6) To provide, publish and enforce, a complete code of rules, not inconsistent with general laws or this Charter, prescribing in detail the duties, and the systems of office and institutional management, accounts and reports for each of the offices, institutions and departments of the county.

ARTICLE IV.

County Officers Other Than Supervisors

SEC. 12: The elective county officers other than members of the Board of Supervisors shall be: Sheriff, District Attorney and Assessor.

SEC. 13: At the general election to be held in November, 1914, a District Attorney shall be elected, whose term shall begin at noon on the first Monday after the first day of January, 1915, and end at noon on the first Monday in December, 1916. At the same election a Sheriff and Assessor shall be elected, whose terms shall begin at the same time and end at noon on the first Monday in December, 1918. At the general election to be held in November, 1916, and every four years

thereafter, a District Attorney shall be elected, whose term shall be four years, beginning at noon on the first Monday in December following his election and ending at noon on the first Monday in December four years thereafter. At the general election to be held in November, 1918, and every four years thereafter, a Sheriff and Assessor shall be elected, whose terms shall be four years, beginning at noon on the first Monday in December following their election, and ending at noon on the first Monday in December, four years thereafter. All elective county officers shall hold office until their successors are elected and qualified.

SEC. 14: The appointive county officers shall be:

Auditor.
Board of Education, Members of.
Board of Law Library Trustees, Members of.
Civil Service Commission, Members of.
Coroner.
County Clerk.
County Counsel.
Fish and Game Warden.
Health Officer.
Horticultural Commissioner.
License Collector.
Live Stock Inspector.
Probation Committee, Members of.
Probation Officer.
Public Administrator.
Public Defender.
Purchasing Agent.
Recorder.
Registrar of Voters.
Road Commissioner.
Superintendent of Charities.

Superintendent of Schools.
Surveyor.
Tax Collector.
Treasurer.

Such other officers as may hereafter be provided by law shall also be appointive.

The Tax Collector shall be ex-officio License Collector.

SEC. 15: All fees collected by any county officer, Board or Commission shall be paid into the County Treasury on the first Monday of each calendar month, together with a detailed statement of the same in writing, a duplicate copy of which shall be filed with the Auditor at the same time.

SEC. 16: Whenever a vacancy occurs in an elective county office other than a member of the Board of Supervisors, the Board shall fill such vacancy, and the appointee shall hold office until the election and qualification of his successor. In such case, there shall be elected at the next general election an officer to fill such vacancy for the unexpired term, unless such term expires on the first Monday in December succeeding said election.

ARTICLE V.

Township Officers

SEC. 17: The Board of Supervisors must provide, by ordinance, for not less than one Justice of the Peace and one Constable in each township, and may provide for more in townships where population and the business therein require a greater number; provided, that, until the Board shall so provide for such Justices of the Peace and Constables, the number of each thereof in each

township shall continue as now or hereafter provided by law; provided, further, that if the Legislature shall hereafter, instead of the system of Courts of Justice of the Peace now established by law, substitute some other system of inferior courts, then and in that event, it shall not be compulsory upon the Board of Supervisors to provide any number for, and the Board may discontinue the existence of all Justices of the Peace in the several townships, if such discontinuance be allowed by law, and the Board may provide for such number of inferior Judges or Justices as may be necessary for the needs of the county under such substituted system.

SEC. 18: Justices of the Peace shall be nominated and elected at the times and in the manner and for the terms, now or hereafter provided by general law. Constables shall be appointed by the Sheriff from the eligible civil service list.

SEC. 19: The compensation of Justices of the Peace and of Constables shall be fixed by the Board of Supervisors, and must be by salary only, which need not be uniform for the several townships, nor proportionate to population therein. Their duties and qualifications shall be such as are now, or which may hereafter be prescribed by law, or by this Charter.

SEC. 20: All fees collected by any Justice of the Peace or Constable shall be paid into the County Treasury, on the first Monday of each calendar month, together with a detailed statement of the same in writing, a duplicate copy of which shall be filed with the Auditor at the same time. The fees to be so paid into the Treasury by each Constable shall include all fees charged and collected by him for service of any writ or process of any court or for any act or service done or

rendered by him, or which he has power or which it is his duty to do or render, in his official capacity; and every Constable shall enter in the fee book kept by him all such fees charged and collected by him and pay the same into the County Treasury as above provided, without deduction for any such acts or services purporting or claimed to have been done or rendered by him as a private citizen.

ARTICLE VI.

Duties of Officers

SEC. 21: The County Counsel shall represent and advise the Board of Supervisors and all county, township and school district officers, in all matters and questions of law pertaining to their duties, and shall have exclusive charge and control of all civil actions and proceedings in which the county, or any officer thereof, is concerned or is a party. He shall also act as attorney for the Public Administrator in the matter of all estates in which such officer is executor, administrator with the will annexed, or administrator, and the County Counsel shall, in every such matter, collect the attorney's fees allowed therein by law and pay the same into the County Treasury.

SEC. 22: The Superintendent of Charities shall be under the direction of the Board of Supervisors, and shall exercise a general supervision over, and enforce rules and regulations for the conduct and government of, the charitable institutions of the county. He shall perform such other duties as may be prescribed by the Board of Supervisors or by law.

SEC. 23: Upon request by the Defendant or upon order of the Court, the Public Defender shall

defend, without expense to them, all persons who are not financially able to employ counsel and who are charged, in the Superior Court, with the commission of any contempt, misdemeanor, felony or other offense. He shall also, upon request, give counsel and advice to such persons, in and about any charge against them upon which he is conducting the defense, and he shall prosecute all appeals to a higher court or courts, of any person who has been convicted upon any such charge, where, in his opinion, such appeal will, or might reasonably be expected to, result in a reversal or modification of the judgment of conviction.

He shall also, upon request, prosecute actions for the collection of wages and of other demands of persons who are not financially able to employ counsel, in cases in which the sum involved does not exceed $100, and in which, in the judgment of the Public Defender, the claims urged are valid and enforceable in the courts.

He shall also, upon request, defend such persons in all civil litigation in which, in his judgment, they are being persecuted or unjustly harassed.

The costs in all actions in which the Public Defender shall appear under this section, whether for plaintiffs or for defendants, shall be paid from the County Treasury, at the times and in the manner required by law, or by rules of court, and under a system of demand, audit and payment, which shall be prescribed by the Board of Supervisors. It shall be the duty of the Public Defender, in all such litigation, to procure, if possible, in addition to general judgments in favor of the persons whom he shall represent therein, judgments for costs and attorney's fees, where permissible, against the opponents of such persons, and collect and pay the same into the County Treasury.

SEC. 24: Subject to rules and regulations which shall be adopted by the Board of Supervisors, by ordinance, the Purchasing Agent shall be the buyer of furniture, fixtures, tools, supplies, materials or other articles of personal property for the county and for county, township and all other officers.

SEC. 25: Each county or township officer, Board or Commission shall have the powers and perform the duties now or hereafter prescribed by general law, and by this Charter, as to such officer, Board or Commission.

ARTICLE VII.

Road Department

SEC. 26: The Board of Supervisors may provide for the formation of road districts for the care, maintenance, repair and supervision of roads, highways and bridges; and for the formation of highway construction divisions for the construction of roads, highways and bridges; for the inclusion in any such district or division of the whole or any part of any incorporated city or town upon ordinance passed by such incorporated city or town authorizing the same, and upon the assent to such inclusion by a majority of the qualified electors of such incorporated city or town or portion thereof proposed to be so included at an election held for that purpose; for the organization, government, powers and jurisdiction of such district or division, for raising revenue therein for such purposes, by taxation, upon the assent of a majority of the qualified electors of such district or division, voting at an election held for that purpose; for the incurring of indebtedness therefor by the county, district

or division for such purposes, respectively, by the issuance and sale, by the county, of bonds of the county, district or division, and the expenditure of the proceeds of the sale of such bonds, and for levying and collecting taxes against the property of the county, district or division, as the case may be, for the payment of the principal and interest of such indebtedness at maturity; provided that any such indebtedness shall not be incurred without the assent of two-thirds of the qualified electors of the county, district or division, as the case may be, voting at an election held for that purpose, nor unless before or at the time of incurring such indebtedness, provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also for a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same; and the procedure for voting, issuing and selling such bonds, except insofar as the same shall be otherwise prescribed in this Charter, shall conform to general laws for the authorizing and incurring of bonded indebtedness by counties so far as applicable; provided, further, that the construction, care, maintenance, repair and supervision of roads, highways and bridges for which aid from the state is granted shall be subject to such regulations and conditions as may be imposed by the Legislature.

SEC. 27: The Road Commissioner, subject to such rules and regulations as shall be prescribed by the Board of Supervisors, shall have direction and control over all work of construction, maintenance and repair of roads, highways and bridges, other than work done under contract, and it shall be his duty to examine and inspect contract work

as the same progresses and to see that the same is properly performed, and when completed to file his written approval thereof with the Board of Supervisors. He shall also have the control and management of all county rock quarries and gravel pits, and of all other materials, property and instrumentalities necessary for and connected with the construction, maintenance and repair of roads, highways and bridges.

ARTICLE VIII.

Constabulary Department

SEC. 28: There is hereby created a Constabulary Department, consisting of the Sheriff and of all Constables, who are hereby made *ex-officio* Deputy Sheriffs.

SEC. 29: The Sheriff shall be the head of said Department, and shall so organize the same as to give the county efficient and effective police protection. Each Constable shall be subject to the orders of the Sheriff and must serve process within his township, or elsewhere, when requested, and he shall also perform all the duties required of him by law.

ARTICLE IX.

Civil Service

SEC. 30: On or before the first day of July, 1913, the Board of Supervisors shall appoint three persons as members of the Civil Service Commission, who shall so classify themselves as that one shall serve until the first Monday in December, 1915, at noon, one until the first Monday in December,

1917, at noon, and one until the first Monday in December, 1919, at noon. Before the first Monday in December of each alternate year after 1913, the Board of Supervisors shall appoint one person as the successor of the member of the Commission whose term shall then expire, to serve for six years. Any vacancy on the Commission shall be filled by the Board of Supervisors for the unexpired term. Each member of the Commission shall serve until his successor is appointed and qualified. Not more than one member shall be an adherent of the same political party. No member shall hold any other salaried county office, nor shall he have been, within the year next preceding his appointment, an active executive officer in any political organization. Each member shall have been a resident of the county for the five years next preceding his appointment, and his name shall be upon the state and county assessment rolls at the time thereof. The Board of Supervisors by a four-fifths vote of all the members may remove a member of the Commission during his term of office, but only upon stating in writing the reasons for such removal and allowing him an opportunity to be publicly heard in his own defense. The Commission shall elect one of its members president.

SEC. 31: Each member of the Commission shall receive a compensation of Ten Dollars for each meeting thereof attended by him, not to exceed five meetings in any calendar month. The Commission shall appoint and fix the compensation of a Chief Examiner, who shall also act as Secretary. This position shall be in the competitive class. The Commission may appoint and fix the compensation of such other subordinates as may be necessary.

SEC. 32: For the support of the work of the Commission, the Board of Supervisors shall annually levy and collect a tax on all taxable property in the county, at the rate of not less than one-half of one cent on each One Hundred Dollars of assessed valuation thereof. Any part of the tax so levied for any fiscal year not expended during such fiscal year, or required to defray expenses incurred during such year, shall on the first day of January next succeeding the end thereof, be placed in the general fund of the county.

SEC. 33: The Civil Service of the county is hereby divided into the unclassified and the classified service.

The unclassified service shall comprise:

(a) All officers elected by the people.

(b) In the office of the District Attorney: The Chief and one other deputy, one secretary, and three detectives; and special counsel and special detectives for temporary employment.

(c) In the office of the Sheriff: The Under Sheriff, or Chief Deputy. In the office of the Assessor: The Chief Deputy.

(d) Superintendents, principals and teachers in the school system.

(e) Members of the County Board of Education.

(f) Members of the Civil Service Commission.

(g) All officers and other persons serving the county without compensation.

The classified service shall include all other positions now existing or hereafter created.

SEC. 34: The Commission shall prescribe, amend and enforce rules for the classified service,

which shall have the force and effect of law; shall keep minutes of its proceedings and records of its examinations and shall, as a Board or through a single Commissioner, make investigations concerning the enforcement and effect of this Article and of the rules and efficiency of the service. It shall make an annual report to the Board of Supervisors.

The rules shall provide:

(1) For the classification of all positions in the classified service.

(2) For open, competitive examinations to test the relative fitness of applicants for such positions.

(3) For public advertisement of all examinations.

(4) For the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their standing in examination. Such lists shall remain in force not longer than two years.

(5) For the rejection of candidates or eligibles who fail to comply with the reasonable requirements of the Commission in regard to age, residence, sex, physical condition or who have been guilty of crime or of infamous or disgraceful conduct or who have attempted any deception or fraud in connection with an examination.

(6) For the appointment of one of the three persons standing highest on the appropriate list.

(7) For a period of probation not to exceed six months before appointment or promotion is made complete, during which period a probationer may be discharged or reduced with the consent of the Commission.

(8) For non-competitive examinations for minor positions in the county institutions when competition is found to be impracticable.

(9) For temporary employment of persons on the eligible list until list of the class covering the temporary employment is exhausted; and in cases of emergency, for temporary employment without examination, with the consent of the Commission, after the eligible list has been exhausted. But no such temporary employment shall continue longer than sixty days, nor shall successive temporary appointments be allowed. Nor shall the acceptance or refusal to accept such temporary appointment on the part of a person on the eligible list be a bar to appointment to a permanent position from said eligible list.

(10) For transfer from one position to a similar position in the same class and grade and for reinstatement within one year of persons who without fault or delinquency on their part are separated from the service or reduced.

(11) For promotion based on competitive examination and records of efficiency, character, conduct and seniority. Lists shall be created and promotion made therefrom in the same manner as prescribed for original appointment. An advancement in rank or an increase in salary beyond the limit fixed for the grade by the rules shall constitute promotion. Whenever practicable, vacancies shall be filled by promotion.

(12) For suspensions for not longer than thirty days and for leaves of absence.

(13) For discharge or reduction in rank or compensation after appointment of promotion is complete, only after the person to be discharged or reduced has been presented with the reasons for such discharge or reduction, specifically stated and has been allowed a reasonable time to reply thereto in writing. The reasons and the reply must be filed as a record with the Commission.

(14) For the appointment of unskilled laborers and such skilled laborers as the Commission may determine in the order of priority of application after such tests of fitness as the Commission may prescribe.

(15) For the establishment of a bureau of efficiency, consisting of the Commission, the Secretary thereof and the Auditor, for the purpose of determining the duties of each position in the classified service, fixing standards of efficiency, investigating the methods of operation of the various departments, and recommending to the Board of Supervisors and department heads measures for increasing individual, group and departmental efficiency, and providing for uniformity of competition and simplicity of operation. The Commission shall ascertain and record the comparative efficiency of employes in the classified service and shall have power, after hearing, to dismiss from the service those who fall below the standard of efficiency established.

(16) For the adoption and amendment of rules only after public notice and hearing.

The Commission shall adopt such other rules, not inconsistent with the foregoing provisions of this section, as may be necessary and proper for the enforcement of this Article.

SEC. 35: In case of a vacancy in a position requiring peculiar and exceptional qualifications of a scientific, professional or expert character, upon satisfactory evidence that competition is impracticable and that the position can best be filled by the selection of some designated person of recognized attainments, the Commission may, after public hearing and by the affirmative vote of all three members of the Commission, suspend competition, but no such suspension shall be

general in its application to such positions, and all such cases of suspension shall be reported, together with the reason therefor, in the annual reports of the Commission.

SEC. 36: All examinations shall be impartial and shall deal with the duties and requirements of the position to be filled. When oral tests are used, a record of the examination, showing basis of rating, shall be made. Examinations shall be in charge of the chief examiner except when members of the commission act as examiners. The commission may call on other persons to draw up, conduct or mark examinations, and when such persons are connected with the county service it shall be deemed a part of their official duties to act as examiners without extra compensation.

SEC. 37: All persons in the county or township service holding positions in the classified service as established by this Article, at the time it takes effect, whether holding by election or by appointment, and who shall have been in such service for the six months next preceding shall hold their positions until discharged, reduced, promoted or transferred in accordance with the provisions of this Article. The Commission shall maintain a civil list of all persons in the county service, showing in connection with each name the position held, the date and character of every appointment and of every subsequent change in status. Each appointing officer shall promptly transmit to the Commission all information required for the establishment and maintenance of said civil list.

SEC. 38: The Auditor shall not approve any salary or compensation for services to any person holding or performing the duties of a position in the classified service, unless the payroll or account for such salary or compensation shall bear the certifi-

cate of the Commission that the persons named therein have been appointed or employed and are performing service in accordance with the provisions of this Article and of the rules established thereunder.

SEC. 39: Charges against any person in the classified service may be made to the Commission by any elector of the county, such charges to be in writing.

SEC. 40: In any investigation conducted by the Commission it shall have the power to subpœna and require the attendance of witnesses and the production thereby of books and papers pertinent to the investigation and each Commissioner shall have the power to administer oaths to such witnesses.

SEC. 41: No person in the classified service, or seeking admission thereto, shall be appointed, reduced or removed or in any way favored or discriminated against because of his political or religious opinions or affiliations.

SEC. 42: No officer or employe of the county, in the classified service, shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription or contribution for any political party or political purpose whatever. No person shall, orally or by letter, solicit, or be in any manner concerned in soliciting, any assessment, subscription or contribution for any political party or purpose whatever from any person holding a position in the classified service.

SEC. 43: No person holding a position in the classified service shall take any part in political management or affairs or in political campaigns further than to cast his vote and to express privately his opinions.

SEC. 44: Any person willfully violating any of the provisions of this Article or of the rules established thereunder, shall be guilty of a misdemeanor.

ARTICLE X.

Labor

SEC. 45: In the employment of persons in the service of the county, where sex does not actually disqualify and where the quality and quantity of service is equal, there shall be no discrimination in selection or compensation, on account of sex.

SEC. 46: Eight hours shall constitute a day's work for mechanics and others engaged in manual labor in the service of the county.

SEC. 47: In fixing compensation to be paid to persons under the classified civil service, the Board of Supervisors shall, in each instance, provide a salary or wage at least equal to the prevailing salary or wage for the same quality of service rendered to private persons, firms or corporations under similar employment in case such prevailing salary or wage can be ascertained.

SEC. 48: Every person who shall have been in the service of the county, continuously, for one year, shall be allowed a vacation of two weeks on full pay, annually.

SEC. 49: The Board of Supervisors shall prohibit enforced labor without compensation as a penalty for the commission of public offenses. The net earnings of all county prisoners, based upon reasonable compensation for services performed, shall go to the support of their dependents, and if such prisoners have no dependents, such net earnings shall accumulate and be paid to them upon their discharge.

ARTICLE XI.

Recall

SEC. 50: The holder of any elective or appointive county or township office may be recalled by the electors at any time after he has held his office six months. The provisions of this Article shall apply to officials now in office, and to those hereafter elected or appointed. Such recall shall be affected as follows: A petition demanding the election or appointment of a successor to the person sought to be recalled shall be filed with the Registrar of Voters, which petition shall be signed by qualified voters equal in number to at least fifteen per cent. of the entire vote cast within the county for all candidates for the office of Governor of the state at the last preceding election at which a Governor was elected (or at least twenty-five per cent. of such vote cast within the district or township for which the officer sought to be recalled was elected or appointed, in case of an official not elected by or appointed for the county) and shall contain a statement of the grounds on which the recall is sought. No insufficiency of form or substance in such statement shall affect the validity of the election and proceedings held thereunder. The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of occupation and residence, giving street and number or if no street or number exist, then such a designation of his residence as will enable the location to be readily ascertained. To each separate paper of such petition shall be attached an affidavit made by a qualified elector of the county, stating that the affiant circulated that particular paper and saw written the signa-

tures appended thereto, and that, according to the information and belief of the affiant, each of said signatures is genuine, and the signature of a qualified elector of the county (or particular subdivision thereof in which such signers are hereby required to reside). Within ten days from the filing of such petition, the Registrar of Voters shall, from the records of registration, determine whether or not said petition is signed by the requisite number of qualified voters, and he shall attach to said petition his certificate showing such determination. If such certificate shows the petition to be insufficient, it may be supplemented within ten days from the date of the certificate by the filing of additional papers, duplicates of the original petition except as to the names signed. The Registrar of Voters shall, within ten days after such additional papers are filed, ascertain from the records of registration, and certify whether or not the names to such petition, including such additional papers, are still insufficient, and if insufficient, no action shall be taken thereon; but the petition shall remain on file as a public record. The failure to secure sufficient names shall not prejudice the filing later of an entirely new petition to the same effect. If required by the Registrar of Voters, the Board of Supervisors shall authorize him to employ, and shall provide for the compensation of, persons necessary in the examination of said petition and supplementing petition, in addition to the persons regularly employed by him in his office. In case the Registrar of Voters is the officer sought to be recalled, the duties in this Article provided to be performed by him shall be performed by the County Clerk. If the petition shall be found to be sufficient, the Registrar of Voters shall submit the same

to the Board of Supervisors without delay, whereupon the Board shall forthwith cause a special election to be held not less than thirty-five nor more than forty days after the date of the order calling such an election, to determine whether the voters shall recall such officer. If a vacancy occur in said office after a recall petition is filed, and the office is elective, the election shall nevertheless proceed as in this section provided. One petition is sufficient to propose the recall of one or more officials and the election of successors to such thereof as are elective. Nominations for any elective office under such recall election shall be made by petition in the manner prescribed by section 1188 of the Political Code. Upon the sample ballot there shall be printed, in not more than two hundred words, the grounds set forth in the recall petition for demanding the recall of the officer, and upon the same ballot in not more than two hundred words, the officer may justify himself. There shall be printed on the recall ballot, as to every officer whose recall is to be voted on, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of office)?" following which question shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each, in which the voter shall, by stamping a cross (x) indicate his vote for or against such recall. On such ballots, under each such question there shall also be printed, if the officer sought to be recalled be an elective officer, the names of those persons who shall have been nominated as candidates to succeed him, in case he shall be recalled at such election; but no vote shall be counted for any candidate for said office unless the voter also voted on the question of the recall of the person sought to be recalled

therefrom. The name of the person sought to be recalled shall not appear on the ballot as a candidate for the office. If a majority of those voting on said question of the recall of any incumbent shall vote "No" said incumbent shall continue in said office. If a majority shall vote "Yes," said incumbent shall thereupon be deemed removed from such office, upon the qualification of his successor. The canvassers shall canvass the votes for candidates for said office and declare the result in like manner as in a regular election. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten days after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law. If the incumbent of an appointive office be recalled at such election, his successor shall be appointed immediately after the canvassing of the vote.

Before any petition can be filed under this section for the recall of any person in the classified service of the county, there shall be presented to, and be passed upon by, the Civil Service Commission, a complaint in writing giving the grounds for and asking the removal of such person. Such complaint must be considered and be finally acted upon by the Commission within twenty days after such filing.

Until such time as the Board of Supervisors shall appoint a Registrar of Voters under the provisions of this Charter, the powers and duties by this section conferred upon the Registrar of Voters shall be exercised and performed by the

County Clerk. In case, at any time prior to the appointment of such Registrar of Voters, the County Clerk shall be sought to be recalled, such powers and duties, in and about the matter of such proposed recall, shall be exercised and performed by some other officer or person to be designated by the Board of Supervisors.

ARTICLE XII.

Miscellaneous

SEC. 51: Each county or township officer, Board or Commission shall appoint, from the eligible civil service list, for either permanent or temporary service, all assistants, librarians, deputies, clerks, attachés and other persons in the office or department of such officer, Board or Commission, as the number thereof is fixed and from time to time changed by the Board of Supervisors; provided, that appointments to the unclassified service in their respective offices and departments shall be made by such officers, Boards and Commissions, without reference to such eligible list.

SEC. 52: The compensation of any elective county or township officer shall not be increased nor diminished during the term for which he was elected, nor within ninety days preceding his election.

No compensation for any position, nor of any person under civil service, shall be increased or diminished without the consent of the Civil Service Commission specifically given thereto in writing.

SEC. 53: Whenever any person in the service of the county is compelled to travel in the performance of his duty, he shall, in addition to his regular

compensation, be reimbursed for his actual necessary expenditures for transportation, the hire of conveyances, and for lodging and meals. An itemized account of such expenditures shall be filed with the Clerk of the Board of Supervisors and be approved by the Auditor before being paid. The Board of Supervisors shall fix a maximum price to be paid for such lodging and meals, which shall be uniform and be made applicable to all persons alike, including members of the Board of Supervisors.

Sec. 54: No attorney, agent, stockholder or employe of any firm, association or corporation doing business under or by virtue of any franchise granted by, or contract made with the county, shall, nor shall any person doing such business, nor shall any person financially interested in any such franchise or contract, be eligible to or hold any appointive county office.

SEC. 55: The District Attorney, Public Defender, County Counsel, and their deputies, shall not engage in any private law practice, and they shall devote all their time and attention during business hours to the duties of their respective offices.

SEC. 56: Nothing in this Charter is intended to affect, or shall be construed as affecting, the tenure of office of any of the elective officers of the county or of any district, township or division thereof, in office at the time this Charter goes into effect, and such officers shall continue to hold their respective offices until the expiration of the term for which they shall have been elected unless sooner removed in the manner provided by law; nor shall anything in this Charter be construed as changing or affecting the compensation of any such officer during the term for which he shall have been elected. But the successors of each and

all of such officers shall be elected or appointed as in this Charter provided, and not otherwise.

SEC. 57: This Charter shall take effect at noon on the first Monday in June, 1913.

We, the undersigned members of the Board of Fifteen Freeholders of the County of Los Angeles, in the State of California, elected at a special election held in the said County on the 14th day of May, 1912, to prepare and provide a Charter for the said County, under and in accordance with Section 7 1–2 of Article XI of the Constitution of this state, have prepared, and we do hereby propose, the foregoing as and for a Charter for said County.

IN WITNESS WHEREOF, we hereunto sign our names in duplicate this twenty-fourth day of September, 1912.

LEWIS R. WORKS, *Chairman.*
FREDERICK BAKER,
WILLIS H. BOOTH,
T. H. DUDLEY,
WILLIAM A. ENGLE,
DAVID EVANS,
H. C. HUBBARD,
J. M. HUNTER,
GEORGE F. KERNAGHAN,
FRANK R. SEAVER,
J. H. STRINE,
CHARLES WELLBORN.

APPENDIX C

PROPOSED COUNTY HOME RULE IN NEW YORK

[Below is the text of a constitutional amendment introduced in the Legislature of New York in 1916 by the County Government Association of New York State. The general object of this amendment is to limit the amount of special legislation affecting counties by empowering boards of supervisors to deal with many subjects of administrative organization and detail over which at present they have no general jurisdiction. The amendment anticipates legislation under which counties by referendum would be able to adopt one of several simplified forms of government in substitution for the existing form.]

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

Proposing the repeal of sections twenty-six and twenty-seven of article three, the insertion of two new sections at the beginning of article ten, to be numbered sections one and two, respectively, and the renumbering and amendment of sections one to nine, respectively, of article ten of the constitution.

Section 1. Resolved (if the Senate concur), That sections twenty-six and twenty-seven of article three be hereby repealed.

§ 2. Resolved (if the Senate concur), That article ten of the constitution be hereby amended by inserting therein two new sections at the beginning thereof, to be numbered sections one and two, respectively, to read as follows:

§ 1. *Laws relating to the government of counties and to the methods of selection, terms of office, removal and compensation of county officers shall be general laws, both in terms and in effect. The board of supervisors of any county, the members of which shall be elected in the year one thousand nine hundred and seventeen or thereafter, may repeal such sections of any law then in force as shall relate to the foregoing subjects and affect exclusively such county. The legislature may pass a law authorizing any county, except a county wholly in a city, upon petition of a percentage of the electors thereof to be determined by the legislature, to adopt one of such optional forms of county government as may be set forth in such law. Such law may authorize the selection of any county officer or officers by the electors, by the board of supervisors or by other county officers, and provide for the removal of officers so selected; it may confer upon the board of supervisors such powers of local legislation, government and administration as the legislature may deem expedient.*

§ 2. *There shall be in each county, except a county wholly included in a city, a board of supervisors, to be composed of such members and chosen by the electors of the county or of its several subdivisions in such manner and for such period as is or may be provided by law. In a city which includes an*

EXPLANATION:—Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

entire county or two or more counties, the powers and duties of a board of supervisors may be devolved upon the municipal assembly, common council, board of aldermen or other legislative body of the city.

§ 3. Resolved (if the Senate concur), That sections one and two of article ten of the constitution be renumbered respectively sections three and four and be hereby amended to read as follows:

§ [1] *3.* Sheriffs, clerks of counties, district attorneys and registers, in counties having registers, shall be chosen by the electors of the respective counties [once in every three years and as often as vacancies shall happen, except in the counties of New York and Kings, and in counties whose boundaries are the same as those of a city, in every two or four years], as the legislature shall direct, *unless and until the electors in the manner provided in section one hereof shall adopt other methods of selection.* Sheriffs shall hold no other office and [be ineligible for the next term after the termination of their offices. They] may be required by law to renew their security from time to time, [and in default of giving such new security, their offices shall be deemed vacant. But the county shall never be made responsible for the acts of the sheriff. The governor may remove any officer, in this section mentioned, within the term for which he shall have been elected *or appointed;* giving to such officer a copy of the charges against him and an opportunity of being heard in his defense.

§ [2] *4.* All county officers whose election or appointment is not provided for by this constitution, shall be elected by the electors of the respective counties or appointed by the boards of supervisors, or other county authorities as the

legislature shall direct. All city, town and village officers, whose election or appointment is not provided for by this constitution shall be elected by the electors of such cities, towns and villages, or of some division thereof, or appointed by such authorities thereof, as the legislature shall designate for that purpose. All other officers, whose election or appointment is not provided for by this constitution, and all officers whose offices may hereafter be created by law, shall be elected by the people, or appointed as the legislature may direct. *Nothing in this section shall prevent the transfer in whole or in part, of the functions of any town or village officer to any county officer, or the transfer in whole or in part of the function of any county officer to any town or village officer.*

§ 4. Resolved (if the Senate concur), That sections three, four, five, six, seven, eight and nine of article ten of the constitution be hereby renumbered five, six, seven, eight, nine, ten and eleven, respectively.

APPENDIX D

PROPOSED COUNTY MANAGER LAW IN NEW YORK

[This is the text of a bill introduced in the New York legislature at its session in 1916 at the instance of the County Government Association of New York State. For summary and comment on its provisions see pp. 178, 179.]

AN ACT

PROVIDING AN OPTIONAL FORM OF COUNTY GOVERNMENT FOR COUNTIES NOT WHOLLY INCLUDED IN A CITY

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter sixteen of the laws of nineteen hundred and nine, entitled "An act in relation to counties, constituting chapter eleven of the consolidated laws," is hereby amended by adding after article fourteen-a a new article, to be article fourteen-b, to read as follows:

ARTICLE 14-B

§ 240. *Application of article. This article shall apply to all counties which shall adopt the same in*

the manner hereinafter prescribed, providing that the question of its adoption may not be submitted in counties included wholly in a city.

§ 241. *Submission of article. If prior to the first day of October in any year one percentum of the registered electors of any county shall file with the appropriate officer a petition for the submission of the question of the adoption of this article, the said officer shall prepare the following question to be submitted at the general election held in that year, in the same manner as other questions are submitted: "Shall article fourteen-b of the county law, providing for government by a board of county supervisors and a county manager, apply to the county of (name of county)?"*

§ 242. *Election of county officers. If a majority of all votes cast on such proposition be affirmative, there shall be elected in the county at the next succeeding general election, in the same manner as are other county officers, five officers to be known as county supervisors. The said county supervisors shall hold office for a term of three years, commencing at noon on the first day of January next succeeding their election; provided, however, that of those elected at the first election under this article two shall hold office for one year, two for two years, and one for three years, the designation whereof shall be made on the election ballot.*

§ 243. *County supervisors; qualifications; vacancies and removals. County supervisors shall be electors of the county. When a vacancy shall occur, otherwise than by expiration of term, in the office of county supervisor, the same shall be filled for the remainder of the unexpired term at the next general election happening not less than three months after such vacancy occurs; and until such vacancy shall be filled the governor shall fill such vacancy by appoint-*

ment. A county officer may be removed by the governor in the same manner as a sheriff.

§ 244. *The board of supervisors; organization, powers, compensation of members. The county supervisors in each county adopting this article shall constitute the board of supervisors of such county and the powers and duties conferred and imposed upon the board of supervisors and the officers and committees thereof in any general or special law are hereby devolved upon the board so constituted, together with such other powers, duties and responsibilities as may be conferred upon them by law, to be exercised subject to the provisions of this article. When the county supervisors elected within such county shall have qualified the supervisors of the several towns and wards of cities within the county shall cease to convene as a board of supervisors or to exercise any of the powers and duties required to be exercised by the board of supervisors of the county. The board shall elect one of its number president, whose powers and duties shall be determined by said board, and shall adopt rules for the conduct of its business. Each member of the board shall receive an annual compensation not to exceed five hundred dollars, the amount of which shall be determined by the said board for attendance upon each of its meetings, provided, that the total amount shall not exceed five hundred dollars. Such compensation shall be a county charge and in addition to the actual necessary expenses incurred for transportation in going to and from the meetings of the board.*

§ 245. *Election officers. No person who shall hold or be elected to any elective county office at or before the election at which this article is adopted shall be removed therefrom under authority of this article before the expiration of the term for which he was elected or appointed to fill a vacancy.*

§ 246. *The county manager; appointment; qualifications; tenure; compensation. The board of supervisors shall appoint an officer who shall be a citizen of the United States but who, at the time of his appointment, need not be a resident of the county, to be known as the county manager. The said county manager shall execute to the county good and sufficient sureties, to be approved by the county judge, in a sum to be fixed by the board of supervisors, conditioned upon the faithful performance of his duties. He shall not be personally interested in any contract to which the county is a party; he shall hold office at the pleasure of the board of supervisors, and upon removal, the said board shall furnish him with a written statement of the reasons for such action, signed by at least two members thereof. The board of supervisors shall prescribe the salary of such county manager and the compensation of the assistants and subordinates to be appointed by him, which shall be a county charge and may be increased or diminished at any time. A member of the board of supervisors, during the term for which he is elected or appointed, shall not be eligible for the office of county manager.*

§ 247. *Duties and powers of the county manager. The county manager shall be the administrative agent of the board of supervisors. It shall be his duty*

(*a*) *To attend all meetings of the board of supervisors;*

(*b*) *To see that the resolutions and other orders of the board of supervisors and the laws of the state required to be enforced by such board, are faithfully carried out by the officers and employees of the county, including all officers chosen by the electors;*

(*c*) *To recommend to the board of supervisors such measures as he may deem necessary or expedient*

for the proper administration of the affairs of the county and its several offices;

(d) To appoint all county officers whose election by the electors is not required by the constitution, except county supervisors and the county auditor or comptroller, and for such terms of office as are provided by law.

Subject to resolutions of the board of supervisors he shall

(e) Purchase all supplies and materials required by every county officer, including the superintendents of the poor;

(f) Execute contracts on behalf of the board of supervisors when the consideration therein shall not exceed five hundred dollars;

(g) Obtain from the several county officers reports of their various activities, in such form and at such times as the board of supervisors may require;

(h) Obtain from the several county officers itemized estimates of the probable expense of conducting their offices for the ensuing year, and transmit the same to the board of supervisors with his approval or disapproval of each and all items therein, in the form of a tentative budget;

(i) Perform such other duties as the board of supervisors may require.

In the exercise of the foregoing duties, the county manager shall have the same powers to examine witnesses, to take testimony under oath and to investigate the affairs of every county officer which is conferred by this chapter upon the boards of supervisors and committees thereof.

§ 248. *The administrative code. Within ninety days after the first day of operation under this article, the board of supervisors shall adopt, publish in pamphlet form and cause to be delivered to every officer of the county, and to such other persons as shall apply*

for the same, a code of administrative rules. Such code, subject to such regulations concerning the conduct of various county officers as may be made from time to time by the comptroller, shall contain the rules of the said board on the following subjects:

(a) The methods by which the county manager shall exercise the duties imposed upon him in subdivisions (e) to (i), inclusive, of section two hundred and forty-seven of this article.

(b) The method by which, and the form in which, the several county officers and employees shall order supplies and materials,

(c) The form in which, and the times at which, the several county officers shall submit the estimates of the probable financial needs of their offices for the ensuing year,

(d) The manner in which the county treasurer shall disburse the funds of the county,

(e) Such other regulations as shall be necessary to secure the efficient conduct of the affairs of the county and its several offices.

§ 249. Application of certain laws. All general and special laws applicable to the county shall remain in full force and effect except in so far as they are in conflict with this article.

§ 2. This act shall take effect immediately.

APPENDIX E

THE CHIEF MEDICAL EXAMINER IN NEW YORK CITY

[An amendment of the New York City Charter (Chap. 284 Laws of 1915) abolished the elective coroners in the five boroughs and created the office of Chief Medical Examiner. This amendment was prepared by representatives of the principal medical, legal and civic societies in New York City working in conjunction with the Commissioner of Accounts and representatives of the District Attorney's office. It is believed to embody important standards of organization and procedure in the prosecution of public medico-legal investigations. The provisions of the amendment will go into effect January 1, 1918.]

AN ACT

To amend the Greater New York charter, and repeal certain sections thereof and of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, in relation to the abolition of the office of coroner and the establishment of the office of chief medical examiner.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The office of coroner in the city of New York shall be abolished on January first, nineteen hundred and eighteen, and after this section takes effect, a vacancy occurring in such an office in any borough shall not be filled unless by reason of the occurrence thereof, there shall be no coroner in office in such borough, in which case the vacancy in such borough last occurring shall be filled for a term to expire on January first, nineteen hundred and eighteen. If, by reason of the provisions of this section, the number of coroners in a borough be reduced, the remaining coroner or coroners in such borough shall have the powers and perform the duties conferred or imposed by law on the board of coroners in such borough.

§ 2. Title four of chapter twenty-three, sections fifteen hundred and seventy and fifteen hundred and seventy-one of the Greater New York charter, as re-enacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, is hereby repealed, and in its place is inserted a new title to be numbered four and to read as follows:

TITLE IV

Chief Medical Examiner

Section 1570. Organization of office; officers and employees.
1571. Violent and suspicious deaths; procedure.
1571-a. Autopsies; findings.

1571-b. Report of deaths; removal of body.
1571-c. Records.
1571-d. Oaths and affidavits.

ORGANIZATION OF OFFICE; OFFICERS AND EMPLOYEES

§ 1570. There is hereby established the office of chief medical examiner of the city of New York. The head of the office shall be called the "chief medical examiner." He shall be appointed by the mayor from the classified service and be a doctor of medicine, and a skilled pathologist and microscopist.

The mayor may remove such officer upon stating in writing his reasons therefor, to be filed in the office of the municipal civil service commission and served upon such officer, and allowing him an opportunity of making a public explanation. The chief medical examiner may appoint and remove such deputies, assistant medical examiners, scientific experts, officers and employees as may be provided for pursuant to law. Such deputy medical examiners, and assistant medical examiners, as may be appointed, shall possess qualifications similar to those required in the appointment of the chief medical examiner. The office shall be kept open every day in the year, including Sundays and legal holidays, with a clerk in constant attendance at all times during the day and night.

VIOLENT AND SUSPICIOUS DEATHS; PROCEDURE

§ 1571. When, in the city of New York, any person shall die from criminal violence, or by a casualty, or by suicide, or suddenly when in apparent health, or when unattended by a physician, or in prison, or in any suspicious or unusual

manner, the officer in charge of the station house in the police precinct in which such person died shall immediately notify the office of the chief medical examiner of the known facts concerning the time, place, manner and circumstances of such death. Immediately upon receipt of such notification the chief medical examiner, or a deputy or assistant medical examiner, shall go to the dead body, and take charge of the same. Such examiner shall fully investigate the essential facts concerning the circumstances of the death, taking the names and addresses of as many witnesses thereto as it may be practical to obtain, and, before leaving the premises, shall reduce all such facts to writing and file the same in his office. The police officer so detailed shall, in the absence of the next of kin of deceased person, take possession of all property of value found on such person, make an exact inventory thereof on his report, and deliver such property to the police department, which shall surrender the same to the person entitled to its custody or possession. Such examiner shall take possession of any portable objects which, in his opinion, may be useful in establishing the cause of death, and deliver them to the police department.

Nothing in this section contained shall affect the powers and duties of a public administrator as now provided by law.

AUTOPSIES; FINDINGS

§ 1571-a. If the cause of such death shall be established beyond a reasonable doubt, the medical examiner in charge shall so report to his office. If, however, in the opinion of such medical examiner, an autopsy is necessary, the same shall

be performed by a medical examiner. A detailed description of the findings written during the progress of such autopsy and the conclusions drawn therefrom shall thereupon be filed in his office.

REPORT OF DEATHS; REMOVAL OF BODY

§ 1571-b. It shall be the duty of any citizen who may become aware of the death of any such person to report such death forthwith to the office of the chief medical examiner, and to a police officer who shall forthwith notify the officer in charge of the station-house in the police precinct in which such person died. Any person who shall willfully neglect or refuse to report such death or who without written order from a medical examiner shall willfully touch, remove or disturb the body of any such person, or willfully touch, remove, or disturb the clothing, or any article upon or near such body, shall be guilty of a misdemeanor.

RECORDS

§ 1571-c. It shall be the duty of the office of medical examiner to keep full and complete records. Such records shall be kept in the office, properly indexed, stating the name, if known, of every such person, the place where the body was found and the date of death. To the record of each case shall be attached the original report of the medical examiner and the detailed findings of the autopsy, if any. The office shall promptly deliver to the appropriate district attorney copies of all records relating to every death as to which there is, in the judgment of the medical examiner in charge, any indication of criminality. All other records shall

be open to public inspection as provided in section fifteen hundred and forty-five. The appropriate district attorney and the police commissioner of the city may require from such officer such further records, and such daily information, as they may deem necessary.

OATHS AND AFFIDAVITS

§ 1571-d. The chief medical examiner, and all deputy or assistant medical examiners, may administer oaths, and take affidavits, proofs and examinations as to any matter within the jurisdiction of the office.

§ 3. Section eleven hundred and seventy-nine of such charter is hereby amended to read as follows:

BUREAUS

§ 1179. There shall be two bureaus in the department of health. The chief officer of one bureau shall be called the "sanitary superintendent," who, at the time of his appointment, shall have been, for at least ten years, a practicing physician, and for three years a resident of the city of New York, and he shall be the chief executive officer of said department. The chief officer of the second bureau shall be called the "registrar of records," and in said bureau shall be recorded, without fees, every birth, marriage, and death, which shall occur within the city of New York.

§ 4. Section twelve hundred and three of such charter is hereby amended to read as follows:

MEDICAL EXAMINERS' RETURNS

§ 1203. The department of health may, from time to time make rules and regulations fixing the time of rendering, and defining the form of returns and reports to be made to said department by the office of chief medical examiner of the city of New York, in all cases of death which shall be investigated by it; and the office of the chief medical examiner is hereby required to conform to such rules and regulations.

§ 5. Section twelve hundred and thirty-eight of such charter is hereby amended to read as follows:

DEATHS TO BE REPORTED

§ 1238. It shall be the duty of the next of kin of any person deceased, and of each person being with such deceased person at his or her death, to file report in writing, with the department of health within five days after such death, stating the age, color, nativity, last occupation and cause of death of such deceased person, and the borough and street, the place of such person's death and last residence. Physicians who have attended deceased persons in their last illness shall, in the certificate of the decease of such persons, specify, as near as the same can be ascertained, the name and surname, age, occupation, term of residence in said city, place of nativity, condition of life; whether single or married, widow or widower; color, last place of residence and the cause of death of such deceased persons, and the medical examiners of the city, shall, in their certificates conform to the requirements of this section.

§ 6. Such charter is hereby amended by inserting therein a new section, to be numbered section fifteen hundred and eighty-five-a, and to read as follows:

COUNTY CLERKS TO EXERCISE CERTAIN STATUTORY POWERS AND DUTIES OF CORONERS

§ 1585-a. In the city of New York the powers imposed and the duties conferred upon coroners by the provisions of title three of chapter two of the code of civil procedure shall be exercised and performed by the county clerk of the appropriate county, and said county clerk shall, in the exercise and performance thereof, be subject to the same liabilities and responsibilities as are prescribed in such title in the case of coroners.

§ 7. Sections seventeen hundred and sixty-six to seventeen hundred and seventy-nine, both inclusive, of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York," and all acts amending such sections, are hereby repealed.

§ 8. The officers and employees now exercising the powers and duties which by this act are abolished, or are conferred or imposed upon the office of chief medical examiner, including coroner's physicians, shall be transferred to the office of chief medical examiner. Service in the office, board or body from which transferred shall count for all purposes as service in the office of the chief medical examiner.

§ 9. All funds, property, records, books, papers and documents within the jurisdiction or control of any such coroner, or such board of coroners,

shall, on demand, be transferred and delivered to the office of the chief medical examiner. The board of estimate and apportionment shall transfer to the office of the chief medical examiner all unexpended appropriations made by the city to enable any coroner, or board of coroners, to exercise any of the powers and duties which by this act are abolished or are conferred or imposed upon such office of chief medical examiner.

APPENDIX F

A COUNTY ALMSHOUSE IN TEXAS

By Dr. Thomas W. Salmon

[Portion of an address delivered at the meeting of the Association of County Judges and Commissioners at Waxahachie, Texas, on February 11, 1916.]

This particular Poor Farm is in one of the richest counties of the state. The taxable property of that county is assessed at more than $45,000,000. It contains no large cities (the largest has a population of 15,000), all but two per cent. of the people are native-born and the proportion of negroes is much less than in the state as a whole. It would be difficult indeed to find in this wide land a county more prosperous, more pleasant to live in or more truly American than this one.

Four miles west of the county-seat is the Poor Farm. There is a substantial brick building for the poor and infirm which is heated by steam and lighted by acetylene gas. Scattered around the main building are some small wooden cabins, cheap in construction and not in very good repair, but, on the whole, comfortable for the old people, the paralytics and the epileptics who live in them. If we could leave this Poor Farm, having seen so

much and no more, we could think of it again only with feelings of pleasure that the county's unfortunates were provided for so comfortably; but standing alone is an old brick building in which the insane are kept and this must be visited too. It is a gloomy place, coming out of the bright October sun, but when your eyes become accustomed to the shadows, you see what this county has provided for the insane who are neglected by the great mother state. You see that there is a clear space running around three sides of the one large room which forms the entire interior of the building. In the center and across the rear end of this room are fourteen iron cages—four extending across the rear and ten back to back, down the center. They are made of iron bars, the tops, backs and adjoining sides being sheet metal. Near the top of each solid side, are seven rows of holes about an inch in diameter. Their purpose is ventilation but they serve also to destroy what poor privacy these cages might otherwise possess. Each cage contains a prison cot or two swinging from the wall while a few have cots upon the floor.

In these cages, which are too far from the windows in the brick walls for the sunlight to enter except during the short period each day when it shines directly opposite them, abandoned to filth and unbelievable misery lie the insane poor of this pleasant, fertile, prosperous American county. Color, age and sex have no significance in this place. All of those distinctions which govern the lives of human beings elsewhere are merged in common degradation here.

Men and women, black and white, old and young, share its horrors just alike. They are insane and that fact alone wipes out every other consideration and every obligation except that of

keeping, with food and shelter, the spark of life alight. When, at dusk, the shadows deepen, the creatures in this place of wretchedness cower closer in the corners of their cages for there are no cheerful lights here as in the other buildings and when the darkness blots out everything there are only the moans of distressed human beings to tell you it is not a tomb. Through the night, when persons with bodily illnesses are attended by quietly treading nurses in the two fine hospitals which the nearby town supports, these unfortunate men and women, who are sick in mind as well as in body, drag through terrors which no human community would wish to have its worst criminals experience.

Each day brings to the poor creatures here light and food—as it does to the cattle in the sheds—but it does not bring to them the slightest hope of intelligent care, nor, to most of them, even the narrow liberty of the iron-fenced yard. One attendant, a cheerful young man, is employed by the county to look after the forty-odd inmates who at the least compose the Poor Farm population. He used to be a trolley car conductor but now he receives forty dollars a month for attending to the inmates, male and female, who cannot care for themselves. He brings back the feeble-minded when they wander off, he finds epileptics when they fall in their attacks and he sees that all are fed. He is called the "yard-man"; his duties are those of a herdsman for human beings. His predecessor, a man of about sixty years of age, is serving a term in the state penitentiary for an attack upon a little girl who was an inmate of this Poor Farm. At his trial it was brought out that he had served a previous term in another state for a similar offense.

The present "yard-man" has not the slightest knowledge of any other kind of treatment for the insane, nor has he had the slightest experience in practical nursing or in caring for the mentally or physically helpless. He has been employed here about a year. He found the insane in these cages and he knows of no other way of keeping them. All but three or four of them remain in their cages all day, crouching on the stone floors instead of on the green grass outside. A feeble white woman in bed, wasted and pale, who apparently has but a few months to live, was pointed out in one of the cages and the "yard-man" was asked if she would run away if she were permitted to have her bed outside. He admitted that it was not likely but said that she was weak and would fall out of bed. He was asked if it would be worse to fall out of bed on the grass or on the wooden floor of the main building than on the stone floor of her cage, but these matters were far outside his experience and he had no reply to make.

How much more knowledge and experience would have been required of this young man if the county had seen fit to maintain a menagerie! No one would think of entrusting the animals to one so wholly inexperienced in their care. This young man might be employed as an assistant, but he would never be placed in charge of an animal house full of valuable specimens.

Do not make the mistake of thinking that the wretched people who are confined in these cages were selected from a larger number of insane inmates of the Poor Farm on account of exceptional intractability or because their brains have been so dulled by the final stages of dementia that they are no longer conscious of their surroundings. These people are not a few selected for such reasons;

they constitute all but one of the avowedly insane who are housed in this Poor Farm. They include persons as appreciative as you or I would be of the loathesomeness of their surroundings and of the personal humiliation of being confined in such a place. In one cage is a man who has delusions which doubtless make it unsafe for him to have his liberty in the community. He has not been allowed outside his cage *for a single hour* in three years.

This place was built twenty years ago. Perhaps the brain which planned it is now dust, nevertheless its ignorant conception of the nature of mental disease still determines the kind of care this county affords the most unfortunate of all its helpless sick. Perhaps, too, the hands which laid these bricks and forged these iron bars are now dead, nevertheless they still stretch out of the past and crush the living in their cruel grasp. The conception of mental diseases which gave to this county this dreadful place did not even reflect the enlightenment of its own period. Eighty years earlier Esquirol had stirred the pity of France by a recital of miseries no worse than those which you can see in this county to-day. Many years before this place was built, Conolly had aroused public opinion in England to such an extent that it was possible for cages such as these to exist in only the darkest corners of the land. Thirty years before this grim structure arose from the fair soil of Texas, Dorothea Dix was showing the inhumanity of almshouse care of the insane in this country and members of our legislatures were profoundly stirred by her descriptions of conditions less abhorrent than those which exist to-day in the Poor Farm which I have just described. Great reforms in the care of the insane have extended over the entire country

ever since these walls were built but they have left this place untouched and it stands to-day, not a pathetic but disused reminder of the ignorance and inhumanity of another age and of another kind of civilization, but an actual, living reality reproducing, with scarcely a detail lacking, conditions which were described in pitying terms by the writers of four centuries ago.

Standing in the doorway of this building you can see evidences of the material greatness of the twentieth century; taking a single step inside you can see exactly what the superstition, fear and ignorance of the sixteenth century imposed upon the insane.

THE INSANE IN COUNTY JAILS

The sufferings of the insane in the county Poor Farms would so stir the compassion of the humane people of this state, could they but walk among these fellow-citizens of theirs and witness the misery to which they have been abandoned, that almshouse care would not survive the next session of the legislature. Take away, however, the meager attention given in the Poor Farms by those who, while they know nothing of mental diseases or of how to care for them, are moved by kindly impulses and recognize that the insane are sent to them for care and not for punishment; take away this and substitute the harsh discipline of the prison which is designed, by its painful memories, to restrain evildoers from crime. Then some picture can be formed of the lot of these poor sick people in county jails. Almost without exception, they have committed no crime, unless it be a crime to suffer from mental illness, but they share the lot of criminals and in many cases through

the fears of their jailers they are denied even the small liberties allowed the criminals. Men and women, white people and negroes, those scarcely out of childhood and those filled with the pains and infirmities of age, those with types of mental disease which would yield readily to even the simplest treatment and those doomed to mental darkness all their days, I have seen them in the cells of the county jails of Texas and learned their needs and witnessed their sufferings at first hand. I can only say that I have never witnessed such depths of misery as those in which these unfortunate people drag out the months and years. Death releases some—the more fortunate—but the others continue to exist in filthy cells without that hope of release after a definite period, which cheers the criminals whose lot they share. The rigors of the jail are intended to impress evil-doers with the terrors of the law but with few exceptions the prisoners in county jails are young men, most of them in sturdy health. It is needless to point out how much more severe punishment confinement in such places is to the unfortunate insane, broken in health, many of them acutely conscious of the terrible wrong which their state is inflicting upon them and the prey to delusional and hallucinatory terrors, as well as to those which depend upon actuality.

In not a few instances I found the insane in solitary confinement, simply on account of their mental disease, while the criminals enjoyed the companionship of their fellows. Every convention of life is swept away when these unfortunate people enter the jails. Women are bathed by men in the presence of male prisoners, persons with elusions of sin and impending punishment lie in cells which face the gallows, the weak and helpless are not

even protected from physical violence, and, in most cases, there is not the slightest semblance of personal care or nursing. The jailers feel that they have discharged their full duty if the insane are prevented from escaping. Persons convicted of serious crimes enter the jails, serve their sentences and regain their liberty while the insane, who have led upright lives and have contributed by their honest toil to the prosperity of their state, lie in their cells without hope of release. A pathetic fact is that the counties pay the sheriffs more just for feeding the poor people than their care would cost in the state hospitals for the insane. It is needless to dwell further on the inhumanity and the injustice of confining the insane in the county jails. It constitutes a blot upon the honor of the state which every citizen would demand erased were the actual facts widely known.

BIBLIOGRAPHY

THE COUNTY GENERALLY

Books and Collections of Papers

American Academy of Political and Social Science, Philadelphia, "County Government. . . ." (*Its* Annals, v. 47, whole No. 136.) May, 1913. 326 pp.

FAIRLIE, JOHN A., *Local Government in Counties, Towns and Villages.* New York, The Century Co., 1906. 289 pp. (The American State series) Bibliography.

The New York short ballot organization: *Proceedings of the First Conference for better County Government.* Schenectady, N. Y., Nov. 13–14, 1914.

Book References

BEARD, C. A. *American Government and Politics.* New and rev. ed. New York, The Macmillan Co., 1914. 788 pp. See Index under county.

BRISTOW, A. S. H. "Counties." (In *American and English Encyclopædia of Law.* 2nd ed. Northport, N. Y., 1898. V. 7: 898–972.)

CLARK, F. H. *Outlines of Civics;* being a supplement to Bryce's *American Commonwealth*, abridged edition, . . . New York and London, The Macmillan Company, 1899. 261 pp. "The County": pp. 148–178.

FAIRLIE, J. A. "County Government." (In *Cyclopædia of American Government*, New York, 1914. V. 1: 492–497.)

FISHER, S. B. "Counties." (In Mack, William, *ed. Cyclopædia of Law and Procedure.* New York, 1904. V. 11: 325–615.)

FISKE, J. *Civil Government in the United States, Considered with some Reference to its Origin.* New ed., with additions. Boston, New York, Houghton, Mifflin & Co. 1904, 378 pp. See Index under county.

FLICKINGER, J. R. *Civil Government as Developed in the States and in the United States.* Boston, D. C. Heath & Co., 1901. 350 pp. See Index under county.

GOODNOW, F. J. *Municipal Home Rule; a Study in Administration.* New York, The Columbia University Press, The Macmillan Co., agents, 1906. 283 pp. See Index under county in United States.

MARRIOTT, CRITTENDEN. *How Americans are Governed in Nation, State, and City.* New York and London, Harper & Brothers, 1910. 372 pp. "Counties and Towns": pp. 256–259.

MILLER, W. A. *Civil Government, State and Federal; an Exposition of our Policy.* Boston, New York, B. H. Sanborn & Co., 1910. 264 pp. "The County": pp. 23–37.

MOSES, B. *The Government of the United States.* New York, D. Appleton & Co., 1911. 424 pp. (Twentieth Century Textbooks, ed. by A. F. Nightingale.) "County Government": pp. 313–315.

RADER, P. S. *Civil Government of the United States and the State of Missouri.* Rev. ed. Jefferson City, Mo. The Hugh Stephens Co. 1912. 351 pp. "Counties": pp. 246–257.

SHERMAN, W. H. *Civics: Studies in American Citizenship.* New York, London, The Macmillan Co., 1905. 328 pp. "The County": pp. 48–53.

Magazine Articles and Monographs

BAILEY, W. L. "The County Community and its Government." In *Annals of American Academy*, May, 1913, pp. 14–25.

CARTWRIGHT, O. G. "Some needs to be considered in Reconstructing County Government." In *Proceedings of the First Conference for better County Government.* 1914. The New York Short Ballot Organization.

CHILDS, R. S. "Ramshackle County Government." *Outlook*, May 3, 1916.

GILBERTSON, H. S. "The Discovery of the County Problem." *American Review of Reviews*, Nov., 1912. V. 46: 604–608.

GILBERTSON, H. S. "Elements of the County Problem." In *Annals of the American Academy*, May, 1913, pp. 13.

TAYLOR, G. "The County, a Challenge to Humanized Politics and Volunteer Co-operation" (president's address at forty-first annual meeting, National Conference of Charities and Corrections. 16 pp.)

Individual States

MILLER, E. J. "New Departure in County Government: California's Experiment with Home Rule Charters." *American Political Science Review*, Aug., 1913. V. 7: 411–419.

FAIRLIE, J. A. "County and Town Government in Illinois." In *Annals of American Academy*, May 1913. pp. 62–78.

Illinois. *Laws, Statutes, etc.* A compilation of the laws of Illinois, relating to township organization and management of county affairs. 26th ed., rev. Chicago, The Legal Adviser Pub. Co. 1910. 863 pp.

Indiana, *State Board of Accounts.* Information concerning the business in county and township offices during the fiscal year ending Dec. 31, 1911. (Indianapolis, 1912.) 352 pp.

LAPP, J. A. "Checks on County Government in Indiana." *Annals of American Academy*, May, 1913. pp. 248–254.

WILHELM, L. W. *Local Institutions of Maryland.* Baltimore, N. Murray, publication agent, Johns Hopkins University, 1885. 129 pp. (Johns Hopkins University studies in Historical and Political Science, 3rd ser. v. 5–7.)

SCROGGS, W. O. "Parish Government in Louisiana." In *Annals of American Academy*, May, 1913, pp. 39–47.

BEMIS, EDWARD W. "Local Government in Michigan and the Northwest." Read before the American Social Science Assn., Sept. 7, 1882. Baltimore, Johns Hopkins University, 1883. 25 pp. (*Johns Hopkins University Studies in Historical and Political Science.* 1st ser., V.)

CARTER, C. P. *The Government of Missouri.* Boston, New York, Silver, Burdett and Company (1912). 171 pp. (*with* Lansing, Robert, *Government: Its Origin, Growth and Form in the United States* . . . New York, Boston, 1902). "The County": pp. 39–47.

LOEB, I. "County Government in Missouri." In *Annals of the American Academy*, May, 1913, pp. 48–61.

PAUL W. "County Management in New Jersey." In *Proceedings of the Conference for the Study and Reform of County Government* (second meeting). 1914. The New York Short Ballot Organization.

—— "The Movement for County Reorganization in New Jersey." *Annals of American Academy*. May, 1913. pp. 255–257.

GILBERT, F. B. Bender's supervisors', county and town officers' manual, containing the county, town, highway, general municipal, tax and poor laws in full and all other statutes of the state of New York, relating to boards of supervisors, town boards, county and town officers, and the affairs and business of counties and towns, as amended to the close of the legislature of 1912 . . . 6th. ed. Albany, N. Y. M. Bender & Co., 1912. 1349 pp.

CARTWRIGHT, O. G. "County Government in New York State." *Annals of the American Academy*. May, 1913. pp. 258–270.

GILBERTSON, H. S. "The New York County System." *American Political Science Review*. Aug., 1914. pp. 413–430.

BUCK, GEO. S. "The Organization of County Government." In *Proceedings of the Academy of Political Science*, New York. Jan., 1915.

ROCKEFELLER, L. K. "County Government from the Comptroller's Standpoint." *Proceedings of the Conference for the Study and Reform of County Government* (third meeting). 1914. The New York Short Ballot Organization.

GUESS, W. C. *County Government in Colonial North Carolina*. 1911. 39 pp. (The University of North Carolina.) The James Sprunt historical publications pub. under the direction of the North Carolina Historical Society, v. 11, No. 1.

U'REN, W. S. "State and County Government in Oregon and Proposed Changes." *Annals of American Academy*, May, 1913. pp. 271–273.

RAMAGE, B. J. *Local Government and Free Schools in South Carolina*. Baltimore, Johns Hopkins University, 1883. 40 pp. (*Johns Hopkins University Studies in Historical and Political Science*. 1st ser., v. 12.)

CHANNING, E. "Town and County Government in the English Colonies of North America." The Toppan prize essay for

1883. Baltimore, N. Murray, publication agent (*Johns Hopkins University Studies in Historical and Political Science*, 2nd ser., X) 2nd ser., v. 10.

HITCHCOCK, L. E. *Powers and Duties of Sheriffs, Constables, Tax Collectors, and other Officers in the New England States.* With forms and precedents. 2nd ed. Boston, Little, Brown & Co. 1914. 472 pp.

UPDYKE. "County Government in New England." In *Annals of American Academy*, May, 1913. pp. 26–37.

Studies and Surveys of Individual Counties

Alameda County, Cal. Bulletins covering the investigation of many phases of county administration. Tax Association of Alameda County, 823 Oakland Bank of Savings Building, Oakland, Cal.

Cook County, Ill. Surveys of various county offices, in pamphlet form. Bureau of Public Efficiency, 315 Plymouth Court, Chicago, Ill. 1911–1916.

Monroe County, N. Y. Government of Monroe County, N. Y., organization and functions. The New York Constitutional Convention Commission. 1915.

Nassau County, N. Y. Government of Nassau County, N. Y., description of organization and functions. Commission on the Government of Nassau County, Mineola, N. Y. 1915.

Suffolk County, N. Y. First Annual Report of the Suffolk County Taxpayers' Association. 1915. (Secretary's office, 44 Court Street, Brooklyn, N. Y.)

Westchester County, N. Y. Various pamphlet publications of the Westchester County Research Bureau, 15 Court Street, White Plains, N. Y. 1911–1916.

Hudson County, N. J. The government of Hudson County. (Dissertation for Ph.D. degree, Columbia University, 1915.) The Citizens' Federation of Hudson County issues reports on special phases of Hudson County affairs from time to time.

Cuyahoga County, O. The Civic League of Cleveland, Guardian Bldg., Cleveland, publishes reports on county offices and methods from time to time.

Milwaukee County, Wis. The Milwaukee County government, a bulletin of the City Club (a joint report of the committee on county administration, civil service and county institutions and buildings). 1915. The City Club of Milwaukee, Wis.

City-County Relations

BRUERE, H. and WALLSTEIN, L. M. *Study of County Government within the City of New York and a Plan for its Reorganization.* Prepared for the New York Constitutional Convention, 1915. 44 pp., diagrams, tabulations.

Chicago Bureau of Public Efficiency. *The Nineteen Local Governments of Chicago,* 1915. 30 pp., charts.

HORMELL, O. C. "Boston's County Problems." *Annals of American Academy,* May, 1913. Pp. 134 *et seq.*

HATMAKER. "Schenectady's City-County Plan." In *Proceedings of the first Conference for better County Government.* The New York Short Ballot Organization, 1914.

KING, C. L. "Report of the City-County Committee of the American Political Science Assn." *American Political Science Review,* Feb., 1914, sup., v. 8: 281–291.

LONG, P. V. "Consolidated City and County Government of San Francisco." *American Political Science Review,* Feb., 1912, sup., v. 6: 109–121.

LUDINGTON, A. "The Relation of County to City Government in New York." *American Political Science Review,* Feb., 1912, sup., v. 6: 73–88.

PAUL, W. and GILBERTSON, H. S. "Counties of the First Class in New Jersey." *American Political Science Review,* Feb., 1914, sup., v. 8: 292–300.

YOUNG, T. P. "The Separation of City and County Governments in St. Louis, History and Purposes." *American Political Science Review,* Feb., 1912, sup., v. 6: 97–108.

Charities

BURRITT, B. B. "County Management of Charities and Special Institutions in our Own State (N. Y.)." In *Proceedings of the Conference for the Study and Reform of County Government* (second meeting). The New York Short Ballot Organization.

HARRIS, E. F. "Charity Functions of the Pennsylvania County." *Annals of American Academy*, May, 1913, pp. 166–181.

HAVILAND, C. F. *The Treatment and Care of the Insane in Pennsylvania.* The Public Charities Association. Philadelphia, 1915. 94 pp.

LANE, WINTHROP D. "A Rich Man in the Poor House." *Survey*, Nov. 4, 1916.

MACY, V. E. "Administration of County Charities." In *Proceedings of the First Conference for better County Government.* 1914. The New York Short Ballot Organization.

Civil Service

BELCHER, R. W. "The Merit System and the County Civil Service." *Annals of American Academy*, May, 1913, pp. 101–111.

PAUL, W. "The County Employee." *Annals of American Academy*, May, 1913, pp. 81–84.

The Coroner

Chicago Bureau of Public Efficiency. *Administration of the Office of the Coroner of Cook County, Ill.* 1911. 68 pp.

Civic League of Cleveland (formerly the municipal association). *The Coroner's office*, 1912. 30 pp.

DU VIVIER, J. "Abolishment of the Coroner's Office." In *Proceedings of the Conference for the Study and Reform of County Government* (second meeting). 1914. The New York Short Ballot Organization.

New York Short Ballot Organization. *Abolishment of the office of Coroner in New York City.* 1914. 16 pp.

SCHULTZ, O. T. "The Coroner's Office." In *Annals of American Academy.* May, 1913, pp. 112–119.

County Courts and Court Clerks

Bureau of Public Efficiency, Nov., 1912. 44 pp. *Administration of the Office of Clerk of the County Court of Cook County, Ill.*

HARLEY, H. "The County Judiciary." In *Proceedings of the First Conference for better County Government.*

The Chicago Bureau of Public Efficiency. *The Judges and the County Fee Offices.* 1911. 15 pp.

WOODS, K. P. "The Passing of County Courts." (In Virginia.) *Outlook*, Jan. 31, 1903, v. 73: 264–265.

County Politics

JONES, C. L. "The County in Politics." In *Annals of American Academy*, May, 1913, pp. 85–100.

The District Attorney

GANS, H. S. "The Public Prosecutor: his Powers, Temptations and Limitations." . . . *Annals of American Academy*, May, 1913, pp. 120–133.

Financial Administration

BOYCE, J. E. "County Budgets: Economy and Efficiency in Expenditures." *Annals of American Academy*, May, 1913, pp. 199–212.

BUCK, GEO. S. "The County Auditor." In *Proceedings of the first Conference for better County Government.* The New York Short Ballot Organization. 1914.

CARTWRIGHT, O. G. "County Budgets and their Construction." *Annals of American Academy*, Nov., 1915, pp. 223–234.

Chicago Bureau of Public Efficiency. "The Budget of Cook County, Ill." Jan., 1911. 54 pp. "The office of Treasurer of Cook County, Ill." 1913. 68 pp.

COOKINGHAM, H. J., JR. "Taxation and County Government in New York State." In *Proceedings of the First Conference for Better County Government.*

COKER, F. W. "Administration of Local Taxation in Ohio." *Annals of American Academy*, May, 1913, pp. 182–198.

Home Rule

National Municipal Review. "County Home Rule," Jan., 1913, sup., v. 2: 2–7.

WORKS, L. R. "County Home Rule in California." *Annals of American Academy*, May, 1913, pp. 229–236.

Prisons

"Centralization of the Custody of Prisoners within the City of New York." Report of the Commissioner of Accounts, Transmitted to the Mayor, Feb., 28, 1916.

LEWIS, O. F. "County Prisons." *Proceedings of the Conference for the Study and Reform of County Government*, first meeting. The New York Short Ballot Organization, 1914.

The Recorder

"Administration of the Office of Recorder of Cook County, Ill." Report prepared for the judges of the circuit court by the Chicago Bureau of Public Efficiency, Sep., 1911. 63 pp.

"The Recorder's Office." Civic League of Cleveland, Mar., 1914. Report No. 3, Efficiency Series. 25 pp.

Reorganisation

CHILDS, R. S. "The County Manager Plan." In *Proceedings of the first Conference for Better County Government.* 1914. The New York Short Ballot Organization.

——"A Theoretically Perfect County." *Annals of American Academy*, May, 1913, pp. 274–278.

"The Short Ballot County Amendment." Brief submitted to the Constitutional Convention of New York, 1915. The New York Short Ballot Organization, 1915. 16 pp.

The Sheriff

CAWCROFT, E. "The Sheriff and a State Constabulary." In *Proceedings of the First Conference for Better County Government.*

Civic League of Cleveland. (Formerly the municipal association.) The Sheriff's office, 1912. 26 pp.

State Administrative Supervision

BRINDLEY, J. E. "State Supervision of County Assessment and Taxation." *Annals of American Academy*, May, 1913, pp. 213–226.

State Police

"Why the Farms and Villages of New York State Need Protection." 1915. Committee for a state police, 7 East 42nd Street, New York, N. Y.

"Why New York Needs a State Police." 1915. Committee for a state police.

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